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**Board of Appeals Ordinance
for the
Town of Hudson, Maine**

Board of Appeals Ordinance for the Town of Hudson, Maine

I. GENERAL PROVISIONS

- A. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Robert's Rules of Order.
- B. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the town which it may be expected to act upon as well as with the applicable state statutes.
- C. It shall be the responsibility of the Board to become familiar with the community goals, desires and policies as expressed in the "comprehensive plan", and grant the minimum relief which will insure that the goals and policies of the plan are preserved and substantial justice is done.

II. APPOINTMENTS

- A. The board shall consist of five (5) members appointed by the municipal officers of the Town of Hudson for terms of three years.
- B. All appointments to the Board shall expire three years from the date of appointment, and shall be staggered to maintain continuity within the Board.
- C. If state law permits, the municipal officers may appoint up to three (3) associate members to the Board. The chairperson of the Board shall designate which shall serve in place of the absent member.
- D. Neither a municipal officer nor his or her spouse may be a member or an associate member of the Board.
- E. Any member of the Board may be removed from the Board, for cause, by the municipal officers before expiration of his/her term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute specific charges against him/her. The term "for cause" shall include failure to attend four (4) consecutive Board meetings or hearings without sufficient justification, or voting when the member has a "conflict of interest".
- F. When there is a permanent vacancy of either a full or associate member, the Secretary shall immediately notify the Town Clerk. The municipal officers shall, within 60 days, appoint a person to serve for the unexpired term.

III. OFFICERS AND DUTIES

- A. The officers of the Board shall consist of a Chairperson, Vice-Chairperson, and secretary, who shall be elected annually by a majority of

the Board.

- B. Chairperson. The chairperson shall perform all duties required by the law and these by-laws and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of the hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.
- C. VICE CHAIRPERSON. The Vice-Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.
- D. SECRETARY. The secretary, subject to the direction of the Board and the Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, attend to correspondence of the Board, and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including, but not limited to: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties presented; findings of fact and conclusions; the decision. All records are public and may be inspected at reasonable times.

IV. CONFLICT OF INTEREST

Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration. The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest or pecuniary detriment, which shall include pecuniary benefit to any member of the person's immediate family (grandfather, father, wife, son, grandson, e.g.) Or to his employer or the employer of any member of the person's immediate family.

V. POWERS AND LIMITATIONS

- A. The Board shall have the following powers to be exercised only upon receipt of a written appeal by an aggrieved party.
 - 1. The Board may interpret the provisions of any applicable town ordinance which are called into question.
 - 2. The Board may approve the issuance of a special exception permit or conditional use permit in strict compliance with any applicable

town ordinance.

3. The Board may grant a variance only where strict application of any applicable town ordinance, or a provision thereof, or Maine state statute to the petitioner and his property. For example;
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. The hardship is not the result of action taken by the applicant or a prior owner.
4. The Board shall have the power to hear and determine all appeals by any person directly or indirectly affected by any decision, action or failure to act with respect to any license, permit, variance or other required approval, or any application therefor, including, the grant, conditional grant, denial, suspension, or revocation of any such license, permit, variance or other approval (hereinafter a "Decision"):
 - a. rendered by the Code Enforcement Officer or the Planning Board pursuant to Shoreland Zoning Ordinance;
 - b. rendered by the General Assistance Administrator pursuant to the Ordinance for General Assistance Administration or the Maine Statutes relating to General Assistance;
 - c. rendered by the Planning Board pursuant to the Subdivision Regulations or the Maine subdivision statute;
 - d. rendered by the Selectmen or the Assessors pursuant to 36 M.R.S.A. §841 (relating to the abatement of taxes);
 - e. rendered by the Selectmen pursuant to the Ordinance for the Regulation and Issuance of Special Amusement Permits or 28 M.R.S.A. §702 (also relating thereto);
 - f. rendered by the Selectmen or the Road Commissioner pursuant to any Street Design and Construction Standards Ordinance;
 - g. rendered by the Selectmen pursuant to the Ordinance Regulating Town Cemeteries;
 - h. rendered by the Planning Board or the Code Enforcement Officer pursuant to the Ordinance Relating to Flood Hazard Building Permit System and Review Procedures;
 - i. Rendered by the Selectmen pursuant to the Policy on Warning Sign Requests;
 - j. rendered by the Selectmen pursuant to the Ordinance

- k. Covering Excavations in Public Places;
rendered by the Code Enforcement Officer or Building Inspector pursuant to the Sanitary Code;
- l. rendered by the Town Manager (or other designated Hearing Officer) or the Selectmen pursuant to the Town Personnel Policy relating to grievances and disciplinary procedures with respect to Town Employees and officers.

VI. MEETINGS

- A. The regular meeting of the Board shall be held once every other month, or as necessary.
- B. The annual organization meeting of the Board shall be the first regular meeting of the calendar year.
- C. Special meetings of the Board may be called by the chairperson. At least forty-eight (48) hours written notice of the time, place and business of the meeting shall be given each member of the Board, the Selectmen, the Planning Board and the Code Enforcement Officer.
- D. The chairperson shall call a special meeting within ten (10) days of receipt of a written request from any three members of the Board which request shall specify the matters to be considered at such a special meeting.
- E. The order of business at regular meetings of the board shall be as follows: (A) roll call; (B) reading and approval of the minutes of the preceding meeting; (C) action of held cases; (D) public hearing (when scheduled); (E) other business; (F) adjournment.
- F. All meetings of the Board shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting. The Board shall not hold executive sessions except for consultation between the Board and its legal counsel concerning litigation or other legal matters where premature general public knowledge would clearly place the town or Board at a substantial disadvantage. Except as otherwise provided by law, e.g. General Assistance Fair Hearings and Tax Abatement Appeals.

VII. VOTING

- A. A quorum shall consist of three (3) members of the Board.
- B. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date.
- C. All matters shall be decided by a roll call vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the

- entire membership of the Board unless otherwise specified herein.
- D. All decisions, approvals and denials will be based on majority votes, and will require written findings and conclusions.
 - E. If a member has a conflict of interest, said member shall not be counted by the Board in establishing the quorum for such matter.
 - F. If the Board has associate members, the Chairperson shall appoint an associate member to act for a regular member who is: disqualified from voting, unable to attend the hearing, or absent from a substantial portion of the hearing due to late arrival. The associate member will act for the regular member until the case is decided.
 - G. If the Board has no associate members, no regular member shall vote on the determination of any matter requiring public hearing unless he or she has attended the public hearing thereon; however, where such a member has familiarized himself with such matter by reading the record, he or she shall be qualified to vote, if the majority of the voting members approve.

VIII. APPEAL PROCEDURE

- A. Any person aggrieved by an action which comes under the jurisdiction of the Board pursuant to Section V must file such application for appeal, in writing on forms provided within thirty (30) days of the granting or denial of a permit, unless otherwise stated, e.g. Tax Abatement Appeals must be filed within sixty (60) days. The applicant shall file this appeal at the office of the Town Clerk, setting forth the ground for his/her appeal. Upon receiving the application for appeal, the Town Clerk shall notify the Chairperson of the Board.
- B. The fee to accompany applications for appeal shall be twenty five (\$25) dollars. Checks are to be made payable to the Town of Hudson.

IX HEARINGS

- A. The Board shall schedule a public hearing on all appeals applications within thirty (30) days of the filing of a completed appeal application.
- B. The Board shall cause notice of the date, time and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be posted in three (3) public places within the town at least seven (7) days prior to the hearing. The Board shall also cause notice of the hearing to be given to the municipal officers, the Planning Board, the Code Enforcement Officer, and the owners of the property abutting that for which the appeal is taken at least twenty (20) days prior to the date of the hearing.
- C. The Board shall provide as a matter of policy for exclusion of irrelevant, immaterial, or unduly repetitious evidence.

- D. The order of business at a public hearing shall be as follows:
1. The Chairperson calls the hearing to order.
 2. The Chairperson determines whether there is a quorum.
 3. The Chairperson gives a statement of the case and reads all correspondence and reports received.
 4. The Board determines whether it has jurisdiction over the appeal.
 5. The Board decides whether or not the applicant has the right to appear before the Board.
 6. The Board determines which individuals attending the hearing are "interested parties." "Interested parties" are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and those who might be adversely affected by the Board's decision. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal Officers, the Planning Boars, the Code Enforcement Officer shall automatically be made parties to the proceeding. Other persons attending the hearing and federal, state, municipal and other governmental agencies shall be permitted to make oral or written statements and to submit to oral or written questions through the Chair.
 7. The appellant is given the opportunity to present his or her case without interruption.
 8. The Board and interested parties may ask questions of the appellant through the Chair.
 9. The interested parties are given the opportunity to present their case. The Board may call its own witnesses, such as the Code Enforcement Officer.
 10. The appellant may ask questions of the interested parties and Board witnesses directly.
 11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
 12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
 13. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All participants should be notified of the date, time and place of the continued hearing.
 14. Written testimony may be accepted by the Board for seven days after the close of the hearing.

X. DECISIONS

- A. Decisions by the Board shall be made not later than thirty (30) days from the date of the final hearing.
- B. The final decision on any matter before the Board shall be made by written order, signed by the Chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof.
- C. The Board, in reaching said decision, shall be guided by standards specified in the applicable state laws, local ordinances, policies specified in the Comprehensive Plan (if any) and by Findings of Fact by the Board in each case.
- D. In reviewing an application on any matter, the standards in any applicable local ordinance or statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rules shall apply.
- E. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this ordinance or unsupported by substantial evidence in the record.
- F. Notice of any decision shall be sent by certified or registered mail, or hand delivered to the applicant, his representative or agent, the Planning Board, the Code Enforcement Officer and the Municipal Officers within seven (7) days of the decision.
- G. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing of each decision shall be entered into the official records and minutes of the Board.
- H. Unless otherwise specified, any order or decision of the Board which permits a use shall expire if a building or occupancy permit for the use is not obtained by the applicant within ninety (90) days from the date of the decision; however, the Board may extend this time an additional ninety (90) days.

XI. RECONSIDERATION

- A. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interested parties and make any changes in its original decision within thirty (30) days of its prior decision. A meeting to decide whether to reconsider shall be called by the Chairperson in accordance with Article VI of these by-laws. The Board may conduct additional hearings and receive additional evidence and testimony.

- B. Reconsideration should be for one of the following reasons:
 - 1. The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or
 - 2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

XII. APPEAL TO SUPERIOR COURT

- A. The decision of the Board of Appeals may be taken, within forty-five (45) days after the decision is rendered, by any party to the Superior Court in accordance with the Maine Rules of Civil Procedure.

XIII. SEVERABILITY

- A. The invalidity of any section or provision of these by-laws shall not be held to invalidate any other section or provision of these by-laws.
- B. In the event of a conflict or inconsistency between this ordinance and Maine State law, state law will prevail.

BUILDING NOTIFICATION ORDINANCE FOR THE TOWN OF HUDSON, MAINE

Adopted: March 21, 1992

Effective: April 30, 1992

Amended: March 22, 1997; March 22, 2003

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I. TITLE AND PURPOSE:

This ordinance shall be known as the "Building Notification Ordinance for the Town of Hudson, Maine" and will be referred to herein as "this Ordinance". It is enacted by the inhabitants of the Town of Hudson to promote the health, safety, convenience, welfare, and property values of the inhabitants by requiring notification of intention to build for all dwellings and structures as defined in this ordinance.

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II. AUTHORITY:

- A. This ordinance is enacted pursuant to the authority given the Town in 30 MRSA 1917 (Home Rule) and 30 MRSA 3221 (Soil suitability prior to construction).
- B. The effective date of this ordinance shall be thirty (30) days after it is adopted by vote of the legislative body of the town of Hudson.
- C. This ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of the law.
- D. This ordinance shall apply to all construction commenced after the effective date of the ordinance.

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III. ADMINISTRATION:

- A. The Code Enforcement Officer (CEO) shall enforce all State Plumbing laws and the regulations of this ordinance, with assistance from the town selectmen, and/or the plumbing inspector.
- B. The CEO shall immediately report any violations of this ordinance to the Board of Selectmen by a written report.
- C. The CEO shall accept completed Application for Building Permit Forms and shall place submitted forms on file at the Town Office.

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IV. APPLICATION FOR BUILDING PERMIT:

- A. Before construction is started on any structure, the owner shall complete an Application for Building Permit Form. Forms may be obtained from the Town Office.
- B. "Structure" is hereby defined as a building or buildings or portion thereof on a single parcel constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a ground area in excess of 100' or in value of materials and labor to construct in excess of \$1000.00.
- C. A completed Application for Building Permit Form shall include:
 - 1. sketch showing location and layout of proposed structure(s) or changes in structure(s);
 - 2. estimated cost of the proposed structure, including cost of labor;
 - 3. for new dwellings, expansion of existing dwellings, and conversion of seasonal dwellings to year round use, a valid permit for a subsurface septic disposal system, or a letter that such permit is not necessary from the Local Plumbing Inspector;
 - 4. Shoreland Zoning Permit for construction within the shoreland district,
 - 5. fee.
- D. An approved building permit is valid for one year from date of issuance.

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V. ENFORCEMENT AND VIOLATIONS:

- A. The Code Enforcement Officer shall notify in writing any individual proceeding to build without prior notification to discontinue until notification has been provided. A copy of such notices shall be maintained as a permanent record.
- B. The fee structure will double for all building permits issued for construction started or placement of Mobile Homes in Town without a Building Permit issued in advance. (Amend 1, 3-22-97)
- C. Any persons continuing to build without notification after notice by the Code Enforcement Officer shall have committed a civil violation subject to a fine of not less than \$100.00 and not to exceed \$2500.00 and other penalties provided pursuant to 30 MRSA 4966. Each day that such violation exists shall be deemed a separate offense.

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VI. AMENDMENTS:

This ordinance may be amended by majority vote of the Town at any Town Meeting, the warrant for which gives notice of the proposed change.

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VII. FEE STRUCTURE:

The following fee schedule was adopted by the Board of Selectmen at their meeting on May 1, 2003 as authorized by the Amendment adopted on March 22, 2003.

Size of Structure	Fee
100' to 300'	Flat \$10.00 fee
Over 300'	Fee \$20.00 plus \$.05/square Feet'

Examples:

20' x 20' =	400 Sq. Ft. x \$0.05 = \$ 20.00 + \$20.00 = \$ 40.00
24' x 24' =	576 Sq. Ft. x \$0.05 = \$ 28.80 + \$20.00 = \$ 48.80
28' x 40' =	1,120 Sq. Ft. x \$0.05 = \$ 56.00 + \$20.00 = \$ 76.00
32' x 40' =	1,280 Sq. Ft. x \$0.05 = \$ 64.00 + \$20.00 = \$ 84.00
24' x 50' =	1,700 Sq. Ft. x \$0.05 = \$ 85.00 + \$20.00 = \$105.00
40' x 60' =	2,400 Sq. Ft. x \$0.05 = \$120.00 + \$20.00 = \$140.00
50' x 70' =	3,500 Sq. Ft. x \$0.05 = \$175.00 + \$20.00 = \$195.00

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Town Of Hudson Culvert Ordinance

Purpose

- 1: The Purpose of this ordinance is to protect Town owned roads from damage due to improperly sized and located drainage structures.
- 2: The accomplishment of this will protect and improve the condition of the roads within the Town of Hudson.

Applicability

- 1: This ordinance applies to any road, right of way or property owned by the Town of Hudson.

Authority and Administration

- 1: This ordinance is enacted in accordance with Title 30-A M.R.S.A. section 3301 et seq. and shall be known as Culvert Ordinance for the Town of Hudson. The Road Commissioner or his designee will administer this ordinance. The Road Commissioner shall appoint the designee in writing.

Conflict with other ordinances

- 1: Whenever the requirements of this ordinance are in conflict with any other lawfully adopted rule, regulation, ordinance, deed restriction, covenant or State Law, the most restrictive or that imposing the higher standard shall apply.

Severability

- 1: Should any section or provision of this Ordinance be declared by the courts to be invalid such decision shall not invalidate any other section or provision of this Ordinance.

Permits and fees

- 1: Permits are required. An application can be obtained at the town office during regular hours.
- 2: There is no fee required for a permit.

Responsibility

- 1: The initial culvert installation within the town's right of way is the responsibility of the property owner or his/her agent
- 2: Any costs associated with the initial installation are the responsibility of the property owner where the installation is to take place
- 3: The road commissioner or his designee will go to the site of the installation to determine the size of culvert needed. This information will be entered on the permit.
- 4: The Town of Hudson will only replace a culvert as part of a road rehabilitation project that requires the drainage system along the road to be repaired.
- 5: The Road Commissioner or his designee will determine if the culvert will be replaced or reset.

Culvert Sizes

- 4: The size of the culvert will be determined as follows. The Road Commissioner or his designee will check the size of any upstream drainage pipe, the slope of the surrounding property if it would contribute to the overall volume of water that will be carried by the culvert. If there is no additional load the new installation will not be required to be any larger than the upstream drainage pipe or the minimum. The minimum size of a culvert is 15 inches in diameter for a driveway. The minimum size of a culvert for a road-crossing culvert is 24 inches in diameter. The Road Commissioner or his designee will determine the length of the culvert based on the width of the driveway or road. The Road Commissioner or his designee's decision is final.

Installation specifications

- 1: The installation of any new culvert or the resetting of an existing culvert must be in accordance with the latest edition of the MDOT BMP for Erosion and sedimentation control.
- 2: The installation of any new culvert will follow the culvert manufacturer's installation instructions.
- 3: The resetting of an existing culvert will follow accepted construction practices if the manufacturer's instructions are not available.

Definitions

- 1: All wording in this ordinance has its usual and customary meaning as defined in any dictionary of conventional use

FLOODPLAIN MANAGEMENT ORDINANCE FOR THE TOWN OF HUDSON, MAINE

Adopted: March 21, 1987

Amended: March 26, 1994 and March 22, 1996

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I. ESTABLISHMENT:

The Town of Hudson, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Hudson, Maine.

The areas of special flood hazard, Zones A, A1-A30, AE, AO, and AH, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Hudson, Maine, Penobscot County" dated April 1, 1987 with accompanying "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map," is hereby adopted by reference and declared to be a part of this ordinance.

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II. PERMIT REQUIRED:

Before any construction or other development (as defined in Section 13), including the placement of manufactured homes, begins within any areas of special flood hazard established in Section 1, a Flood Hazard Development Permit shall be obtained from the Hudson Planning Board. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Hudson, Maine.

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III. APPLICATION FOR PERMIT:

The application for a Flood Hazard Development Permit shall be submitted to the Hudson Planning Board and shall include:

- A. The name and address of the applicant;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot;
- D. A statement of the intended use of the structure;
- E. A statement as to the type of sewage disposal system proposed;
- F. Specification of dimensions of the proposed structure;
- G. The elevation in relation to the National Geodetic Vertical Datum (NGVD) (Amend 1, 3-26-94), or to a locally established datum in Zone A only of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in zones A1-30, AE, AO, and AH from data contained in the "Flood Insurance Study - Town of Hudson, Maine," as described in Section I; or,
 - b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures;
- I. A written certification by a registered Maine surveyor that the elevations shown on the application are accurate;
- J. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Section III, paragraph G.4; Section VI, paragraph G; and other applicable standards in Section VI;
- K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- L. A statement of construction plans describing in detail how each applicable development standard in Section 6 will be met.

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IV. APPLICATION FEE AND EXPERT'S FEE:

A non-refundable application fee of \$10.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Hudson Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such a hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Hudson Planning Board may appeal that decision to the Board of Appeals.

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V. REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS:

The Hudson Planning Board shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Section 6 (Development Standards) have or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Hudson, Maine," as described in Section 1. In special flood hazard areas where base flood elevation data are not provided, the Hudson Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state or other sources, including information obtained pursuant to Section III, paragraph G.1.b.; Section VI, paragraph I; and Section VII, paragraph D, in order to administer Section VI of this Ordinance;
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 1 of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including, but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Section VI, paragraphs F,G, or H. Following review of the application, which review shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; and,
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 9 of this Ordinance, and copies of the Elevation Certificates and Certificates of Compliance required under the provisions of Section 7 of this Ordinance.

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VI. DEVELOPMENT STANDARDS:

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. New construction or substantial improvement of any structure shall:
 - 1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. use construction materials that are resistant to flood damage;
 - 3. use construction methods and practices that will minimize flood damage; and,
 - 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- C. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.
- D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any water course.
- F. New construction or substantial improvement of any residential structure located within:
 - 1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 - 2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwaters away from the proposed structures;
 - 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified.
 - 4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section III, paragraph G.1.b.; Section V, paragraph B; or Section VIII, paragraph D.
- G. New construction or substantial improvement of any non-residential structure located within:
 - 1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section 3, paragraph J and shall include a record of the elevation above mean sea level of the lowest floor including basement.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwaters away from the proposed structures.
 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; or,
 - c. together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Section 6, paragraph G.1.
 4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section III, paragraph G.1.b.; Section V, paragraph B; or Section VIII, paragraph D.
- H. New or substantially improved manufactured homes located within;
1. Zones A1-30, AE or AH shall:
 - a. be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation; and,
 - b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) All components of the anchoring system described in Section VI, paragraph H.1.b.(1)(2) shall be capable of carrying a force of 4800 pounds.
 2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwaters away from the proposed structures.
 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; and,
 - c. meet the requirements of Section 5, paragraphs H.1. a. and b.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section III, paragraph G.1.b.; Section V, paragraph B; or Section VIII, paragraph D.
- I. Recreational Vehicles located within (Amended 3-22-96):
 1. Zones A1-A30, AH, and AE shall either:
 - a. Be on the site for fewer than 180 consecutive days,
 - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the permit requirements of elevation and anchoring requirements for "manufactured home" in Section 6. H. a & b.
 - J. Floodways:
 1. In Zones A1-30 and AE riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map," encroachments, including fill, new construction, substantial improvement, and other developments shall not be permitted in the floodway unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increases in flood levels within the community during the occurrence of the base flood discharge.
 2. In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Section 2-7 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/September, 1985, as amended).
 3. In Zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Section 6, paragraph I.2.

- K. New construction or substantial improvement of any structure in Zones A1-30, AE, AO, HA and A that meets the development standards of Section 6, including the elevation requirements of Section 6, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces less than three feet in height may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:
1. Walls, with the exception of crawlspaces less than three feet in height, shall not be part of the structural support of the building; and,
 2. Enclosed areas are not "basements" as defined in Section 13; and,
 3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either:
 - a. be certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,
 4. The enclosed area shall not be used for human habitation; and,
 5. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

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VII. CERTIFICATE OF COMPLIANCE:

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. The applicant shall submit an Elevation Certificate completed by:
1. A registered Maine surveyor for compliance with Section VI., paragraphs F, G, or H; and,

2. A registered professional engineer or architect, in the case of floodproofed non-residential structures, for compliance with Section VI. G.
- B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.
- C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this ordinance.

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VIII. REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS:

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, or local ordinances or regulations and all projects on 5 or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.
- E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Section VI. of this ordinance and that such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed on any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

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IX. APPEALS AND VARIANCES:

The Board of Appeals of the Town of Hudson may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Hudson Planning Board in the administration of the provisions of this Ordinance. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws and ordinances; and,
 - 3. A showing that the existence of the variance will not cause a conflict with other state, federal or local laws or ordinances; and,
 - 4. A determination that failure to grant the variance would result in "undue hardship," which in this subsection means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character or the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Section VI. and Section IX. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in Section IX., paragraphs A through D.

- F. Any applicant who meets the criteria of Section IX., paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. Such construction below the base flood level increases risks to life and property; and,
 3. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. The Board of Appeals shall submit to the Hudson Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Hudson Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

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X. ENFORCEMENT AND PENALTIES:

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30A MRSA § 4452. (Amend 1, 3-26-94)
- B. The penalties contained in 30A MRSA § 4452 shall apply to any violation of this Ordinance. (Amend 1, 3-26-94)
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

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XI. VALIDITY AND SEVERABILITY:

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

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XII. CONFLICT WITH OTHER ORDINANCES:

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

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XIII. DEFINITIONS:

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

100-YEAR FLOOD

see Base Flood.

ADJACENT GRADE

the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AREA OF SHALLOW FLOODING

a designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Section I of this Ordinance.

BASE FLOOD

the flood having a one percent chance of being equalled or exceeded in any given year, commonly called the 100-year flood.

BASEMENT

any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING

see structure.

CERTIFICATE OF COMPLIANCE

A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

CODE ENFORCEMENT OFFICER

any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular ordinance or statute.

DEVELOPMENT

any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or

other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

ELEVATED BUILDING

a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, elevated above the ground level by means of pilings, posts, columns, piers, or "stilts;" and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

ELEVATION CERTIFICATE

An official form (FEMA Form 81-31, SEP 83, as amended) that:

1. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and
2. is required as a condition for purchasing flood insurance.

FLOOD OR FLOODING

1. general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD ELEVATION STUDY

an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD INSURANCE RATE MAP (FIRM)

an official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

see Flood Elevation Study.

FLOODPLAIN OR FLOOD-PRONE AREA

any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPLAIN MANAGEMENT

the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS

zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING

any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

see Regulatory Floodway.

FLOODWAY ENCROACHMENT LINES

the lines marking the limits of floodways on federal, state and local floodplain maps.

FREEBOARD

a factor of safety usually expressed in feet above flood level for purposes of floodplain management, "Freeboard" tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrogeological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

FUNCTIONALLY DEPENDENT USE

a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or

passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

LOCALLY ESTABLISHED DATUM

for the purpose of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where mean Sea Level data is too far from a specific site to be practically used.

LOWEST FLOOR

the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section VI of this ordinance.

MANUFACTURED HOME

a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION

a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION

structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

REGULATORY FLOODWAY

1. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

2. in Zone A is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

RIVERINE

relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

START OF CONSTRUCTION

the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE

floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

SUBSTANTIAL IMPROVEMENT

any repair, reconstruction, or improvement of a structure, the value of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur at the time of the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either

1. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or
2. any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE

a grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION

the failure of a structure or other development to fully comply with a community's floodplain management regulations or ordinance.

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XIV. ABROGATION:

This Ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

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HOLDING TANK ORDINANCE FOR THE TOWN OF HUDSON, MAINE

Adopted: March 22, 1997

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I. PURPOSE:

The purpose of this ordinance is to establish procedures for the use and maintenance of holding tanks for any systems designed to receive and retain waste water from residential or commercial uses. It is hereby declared that the enactment of this ordinance is necessary for the protection, benefit, and preservation of the health, safety and welfare of the inhabitants of this municipality.

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II. DEFINITIONS:

In general, words and terms used in this ordinance shall have their customary dictionary terms. More specifically, unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

AGENT

any person or persons officially designated by the Authority to act in its behalf.

AUTHORITY

the municipal officers of the Town of Hudson, Penobscot County, Maine.

HOLDING TANK

a closed water tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

IMPROVED PROPERTY

any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure waste water shall or may be discharged.

MUNICIPALITY

the Town of Hudson, Penobscot County, Maine.

OWNER

any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

PERSON

any individual, partnership, company, association, or other group or entity.

RECORDS

all information pertinent to the holding tank, specifically the name of the installer of, the date of the installation of, the individual components of, the pumping dates of, the amount of waste water pumped from, the name of the pumper of, and any required or necessary maintenance of the owner's holding tank.

WASTE WATER

any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water carried wastes of human origin. The term specifically excludes industrial, hazardous, or toxic wastes and materials.

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III. RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW:

All such rules and regulations adopted by the authority shall be in conformity with provisions herein, all other Ordinances of the Town of Hudson, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks cannot be used for seasonal conversion (see Maine State Plumbing Codes Subsurface Wastewater Disposal Rules Subsection 301.2) or for new construction within the shoreland zone area of the municipality.

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IV. SYSTEM REQUIREMENTS:

Any person wishing to use a holding tank to receive and store waste water or septic effluent must follow the normal process for system design as required by the Maine State Plumbing Code and obtain a completed septic system design plan and holding tank application from a State licensed Site Evaluator (see Maine State Plumbing Code). These plans must be submitted to the Authority or its agent for review and approval. Approval will be based on the

plans meeting the requirements of the Maine State Plumbing Code. The required review fee (See Table 110.2) must accompany the plans when submitted for review and approval. Any approved system must be installed according to the specifications of the design plan. The Authority shall have the right to attach a reasonable pumping schedule for the collection of all wastewater from any holding tank as a condition of approval. That schedule shall be based on the capacity of the tank and frequency of its use.

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V. RATES AND CHARGES:

The Authority shall have the right and power to fix and alter, charge and collect fees, rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law .

TABLE 1: RATES & CHARGES	
Permit Application Fee	those fees prescribed by the State Plumbing Code and collected by the Local Plumbing Inspector.
System Design Review Fee	\$20.00
System Inspection Fee	those fees prescribed by the State Plumbing Code and collected by the Local Plumbing Inspector.
Wastewater Collection Charge	those fees and charges assessed by the persons or business licensed to collect and dispose of the wastewater and who perform that service for the owner of the improved property utilizing a holding tank.

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VI. COLLECTION AND DISPOSAL:

The collection, transportation and disposal of all wastewater from any improved property utilizing a holding tank shall be done after notification is given to the Authority or its Agent that the pumping is to occur, only by those persons or businesses licensed by the Maine Department of Environmental Protection to perform that service. The disposal

thereof shall be at such sites as have been licensed and approved by the Maine Department of Environmental Protection.

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VII. DUTIES OF OWNER OF IMPROVED PROPERTY:

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank system in conformance with this or any other Ordinance of the Town of Hudson, the provisions of any applicable law, the rules and regulations of the Authority, the Maine State Plumbing Code, and any administrative agency of the State of Maine; and
- B. Notify the Authority or its agent when it becomes necessary for the holding tank to be pumped, and when and by whom that will occur; and
- C. Permit only those persons or businesses licensed and approved by the Maine Department of Environmental Protection to collect, transport, and dispose of the contents of a holding tank to collect, transport, and dispose of the contents therein; and
- D. Maintain records relating to the collection of the contents of the holding tank, submit those records to the Authority or its agent quarterly, and retain all records pertaining to their holding tank for a period of three (3) years.

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VIII. VIOLATIONS:

Any person who violates any provision of this ordinance shall be subject to the penalties outlined in M.R.S.A. 30-A, plus costs.

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IX. ABATEMENT OF NUISANCES:

In addition to any other remedies provided in this Ordinance, any violation of Section VII above, which may constitute a nuisance may, if necessary, be abated by the municipality or the Authority under Title 30-A section 342B, or by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

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X. REPEAL:

All ordinances or resolutions, parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

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XI. SEVERABILITY:

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.

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XII. EFFECTIVE DATE:

This Ordinance or any amendments thereto shall be effective immediately following adoption at an Annual or Special Town Meeting.

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COMMERCIAL AUTOMOBILE GRAVEYARD AND JUNKYARD ORDINANCE FOR THE TOWN OF HUDSON, MAINE

Adopted: December 12, 1989

Amended: March 21, 1998

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I. DEFINITIONS:

As used in this Ordinance, unless a different meaning is plainly required, the following words and variants thereof have the following meanings.

BODY OF WATER

Naturally standing water to include swamps, bogs, ponds, streams, rivers, and lakes.

COMMERCIAL AUTOMOBILE GRAVEYARD

Any land used for the storage of:

1. Three or more motor vehicles or parts thereof that are discarded, worn out, unserviceable or junked; or
2. Three or more unregistered vehicles. This subsection does not apply to licensed motor vehicle dealers or to vehicles described and used in accordance with 29 M.R.S.A. § 255.

COMMERCIAL JUNKYARD

Any land that is used for the storage of any materials that have been discarded from their generally accepted common use and is located in the town of Hudson.

MOTOR VEHICLE

Shall have the same meaning as set out in 29 M.R.S.A. § 1 §§ 7.

OPERATE

Either operate a commercial automobile graveyard or junkyard or to own or lease real estate on which a commercial automobile graveyard or commercial junkyard is located.

OPERATOR

Any person who operates an automobile graveyard or junkyard.

PERSON

Shall have the same meaning as set out in 17A M.R.S.A. § 2.

Definitions, where applicable, shall have the same meaning as set out in 30 M.R.S.A. § 3752.

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II. PURPOSE:

This Ordinance is enacted to provide adequate controls to insure that commercial automobile graveyards and junkyards do not have a deleterious impact on the health, safety, and general welfare of the residents of the town of Hudson, Maine.

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III. AUTHORITY:

This Ordinance is enacted pursuant to Title 30-A M.R.S.A. § 3001.

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IV. APPLICABILITY:

This Ordinance shall apply to all commercial automobile graveyards and commercial junkyards as defined in Title 30-A M.R.S.A. § 3752.

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V. REQUIREMENTS:

- A. No person may operate a commercial automobile graveyard or commercial junkyard within the Town of Hudson unless licensed by the Town of Hudson to operate a commercial automobile graveyard or commercial junkyard.
- B. A person may apply to the Board of Selectmen for the Town of Hudson for a commercial automobile graveyard or commercial junkyard license.

C. Requirement for Application:

The applicant shall present the following materials to the selectmen at least fifteen (15) days prior to the public hearing:

1. site plan providing the following information:

- a. Existing boundary lines of the property given in feet, and any right of ways, including all utilities.
- b. Proof of the owner of the property.
- c. A report by a Certified Geologist stating the land is suitable for a commercial automobile graveyard or commercial junkyard.
- d. Location of any residence within 1000 feet of the proposed commercial automobile graveyard or commercial junkyard.
- e. Location of any school, church or cemetery within 1000 feet of the proposed commercial automobile graveyard or commercial junkyard.
- f. Location of any body of water within 1000 feet of the property line.
- g. North arrow.
- h. Location of map insert at a scale of 1" = 100'.
- i. Date of map and map number.
- j. Soil types and percolation tests on the proposed location, performed by a Registered Soil Scientist.
- k. Location of flood zones and their boundaries within the Federal Management Flood Insurance Rate Maps for the Town of Hudson.
- l. Water tests for all residents within 1000 feet of the applicants boundary, tested for hydrocarbons, every year.
- m. Proof that the proposed site is not over or within 250' of a sand or gravel aquifer or aquifer recharging area, or a fractured bedrock aquifer.
- n. Emergency evacuation plan for the facility and local residents, approved by the Maine State Fire Marshall's Office.

- D. Notification of Abutters: The applicant shall also notify all property owners within 100 feet of the property line by Certified Mail, Return Receipt Requested at least fifteen (15) days prior to the public hearing, at the applicant's expense.

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VI. ADMINISTRATION:

- A. The selectmen of the Town of Hudson have the responsibility for the administration of this ordinance and shall issue no license unless the provisions of this ordinance are complied with. The Selectmen may attach reasonable conditions to any license that is issued to insure compliance with the performance standards and other requirements of this ordinance.
- B. The Selectmen shall be required to conduct a Public Hearing before granting the applicant a license to operate a commercial automobile graveyard or commercial junkyard. There shall be adequate notice given and such notice shall be posted a minimum of seven days and not more than fourteen days prior to said hearing. The notices shall be posted in at least two places commonly used for postings within the Town of Hudson and in one newspaper of general circulation within the town. The Selectmen shall also be required to notify the Maine Department of Transportation in writing of the date of the hearing and supply a copy of the application.
- C. The Selectmen shall conduct the hearing in accordance with the rules set forth for the "Conduct of Hearing" as described in Maine Department of Transportation Bulletin R/W-201.
- D. There shall be an application fee of \$100.00 made payable to the Town of Hudson. In addition to the application fee, the applicant, prior to any public hearing, shall also be required to pay for the public notification in a local newspaper of general circulation within the Town of Hudson, as well as any and all cost associated with the posting of notices for the public hearing. All application fees and costs are non-refundable.
- E. The Selectmen shall not issue a license unless the applicant has complied with all the application requirements. The selectmen shall not issue a license unless the applicant, by clear and convincing evidence, proves that the applicant's automobile graveyard or junkyard complies with this ordinance.
- F. The license, once issued by the Selectmen expires on 31 Dec of that year. (Amend 1, 3-21-98) The fee for renewal of the license shall be \$100.00. the Selectmen shall deny a license renewal if the applicant has operated in violation of this ordinance.

- G. The Selectmen shall not renew a license unless they have inspected the automobile graveyard or junkyard and determined that the automobile graveyard or junkyard is in compliance with all performance standards.
- H. Automobile graveyards or junkyards existing prior to the enactment of this ordinance are not exempt from the provisions of this ordinance. The Selectmen shall not issue a license to any pre-existing automobile graveyard or junkyard unless the applicant meets all the requirements of this ordinance.
- I. The Board of Selectmen must adhere to Title 30-A, M.R.S.A. § 3751 - 3760 as well as the Recommendations of the Maine Department of Transportation Informational Bulletin R/W-201, or any revisions of the Maine Department of transportation dealing with automobile graveyards and junkyards.

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VII. PERFORMANCE STANDARDS:

A. General:

The following standards shall apply to all commercial automobile graveyards or commercial junkyards within the Town of Hudson.

B. Visual Screening:

All commercial automobile graveyards or commercial junkyards shall maintain screening in accordance with the Department of Transportation regulations governing screening as defined in Section 2454 paragraph 2A.

C. Hazardous Materials:

All hazardous materials shall be treated in accordance with State and Federal Rules governing the storage, handling, and disposal of such hazardous wastes and all techniques as recommended by the Maine Department of Environmental Protection as well as the Federal Environmental Protection Agency. In addition to the State and Federal regulations, the Town of Hudson regulations shall also be adhered to as part of the requirement:

1. Upon receiving any vehicle or material, the operator shall immediately drain the fluids from the vehicle or other material and place into categorized containers identified as to their contents. These containers must be sealed and water tight.
2. All fluids are required to be recycled or disposed of in accordance with Federal and State regulations.

3. All batteries shall be removed from vehicles and stored in an approved constructed building with the recommended Maine State Department of Environmental Protections' standards for concrete flooring. At no time may the operator of any automobile graveyard or junkyard allow the maximum amount of battery acid by weight to exceed the approved Maine Department of Environmental Protection limits.

D. Noise Pollution:

To reduce noise pollution, there shall be no dismantling of any automobile, truck or other mechanical or non-mechanical device outside of any portion of the land used as an automobile graveyard or junkyard.

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VIII. ENFORCEMENT AND VIOLATIONS:

A. General:

The enforcement of this Ordinance shall be the responsibility of the Code Enforcement Officer for the Town of Hudson, the Selectmen of the Town of Hudson or a Code Enforcement Officer appointed by the Selectmen.

B. Violations:

No person may operate a commercial automobile graveyard or commercial junkyard:

1. within 100' of the right of way of any public way;
2. within 50' of the operator's property line;
3. over or within 250' of a sand or gravel aquifer or aquifer recharging area, or fractured bedrock aquifer;
4. within 1000' of a school, church, cemetery or public building;
5. in violation of the performance standards of this ordinance or the conditions of the commercial automobile graveyard or commercial junkyard license;
6. without a Commercial Automobile Graveyard or Commercial Junkyard license.
7. unless the property is owned by the applicant.
8. on land determined to be unsuitable for its proposed use by a certified geologist or soil scientist.
9. within 300' of a private water supply.

10. within a flood zone.

11. within 1000 feet of a body of water.

C. Fines

Any person who violates this Section commits a civil violation and shall be punished by a fine and in accordance with special rule 80K of the Maine rules of Civil Procedure. The minimum fine shall be \$100.00 and the maximum fine shall be \$2,500.00. Each days occurrence shall be considered a separate and distinct offense.

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IX. EFFECTIVE DATE:

This Ordinance shall be effective on the date it is adopted by the Legislative Body and the Town of Hudson.

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X. AMENDMENTS:

The Legislative Body of the Town of Hudson may, by a majority vote, amend this Ordinance.

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XI. CONFLICTS:

If the provisions of this Ordinance are in conflict with State or Federal Rules, Laws, or Regulations, the more strict Rules, Laws, or Regulations shall apply.

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XII. SEVERABILITY:

If any provision or clause of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared to be severable.

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XIII. EXEMPTION:

The Hudson Town Dump will be exempt from this Ordinance.

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LAND USE ORDINANCE FOR THE TOWN OF HUDSON, MAINE

Adopted: March 27, 1993

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Appendix A: [Town of Hudson Shoreland Zoning Map](#)

I. GENERAL PROVISIONS

A. Title

This ordinance shall be known and may be cited as the "Land Use Ordinance of the Town of Hudson, Maine", and will be referred to herein as the "Ordinance."

B. Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, Sections 4351 and 4352, of the Maine Revised Statutes Annotated.

C. Purposes

The purposes of this Ordinance are as follows:

1. Comprehensive Plan Implementation

To implement the policies and recommendations of the Hudson Comprehensive Plan;

2. Preservation of Town Character

To preserve and protect the character of Hudson by dividing the Town into districts according to the use of land and buildings and the intensity of such uses;

3. Protection of the General Welfare

To assure the comfort, safety, convenience, health and welfare of the present and future inhabitants of the Town of Hudson;

4. Protection of the Environment

To protect and enhance the natural, cultural, and historic resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

5. Promotion of Community Development

To promote the development of an economically sound and stable community;

6. Reduction of Traffic Congestion

To lessen the danger and congestion of traffic on roads and highways, limiting excessive numbers of intersections, driveways, and other friction points, minimizing hazards;

7. Balancing of Property Rights

To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners; to enjoy their

property without undue disturbance from noise, smoke, dust, fumes, odor, glare, traffic, storm water runoff, or the pollution of ground or surface water;

8. Reduction of Fiscal Impact

To provide the means of evaluating development proposals for their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services; and

9. Establishment of Procedures and Standards

To establish procedures whereby the Town officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance to the Appeals Board.

D. Applicability

This Ordinance shall apply to all land areas within the Town of Hudson with the exception of the Shoreland areas which are regulated by the Shoreland Zoning Ordinance of the Town of Hudson. All buildings or structures hereinafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land including the division of land, in the Town of Hudson, shall be in conformity with the provisions of this Ordinance with the exception of land and buildings regulated by the Shoreland Zoning Ordinance of the Town of Hudson. No building, structure or land area shall be used for any purpose or in any manner except as provided for in this Ordinance.

E. Conflict with Other Ordinances

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the most restrictive or that imposing the higher standards shall govern.

F. Separability

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to effect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. Amendments

1. Initiation

Any amendment to this Ordinance may be initiated by the Selectpersons or by petition of the Planning Board to the Selectpersons, or by written petition by a minimum of three registered voters of the Town.

2. Hearings

In each case, the Planning Board shall hold a public hearing on the proposed amendment at least thirty (30) days prior to a special Town Meeting. The Planning Board shall make known its recommendation on the proposed amendment, in writing, to the Selectpersons prior to the vote and the posting of the warrant.

3. Majority Vote

This Ordinance may be amended or repealed by a majority vote at a Town Meeting.

H. Annual Administrative Review

The Code Enforcement Officer, Planning Board, and the Board of Appeals each shall report annually to the Selectpersons on their respective experience with the administration of the Ordinance during the previous year. Their report to the Selectpersons shall include any recommended amendments they may have that would:

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
2. Enhance the implementation of the purposes of this Ordinance contained in C. 1. through C. 9. above.

I. Effective Date

The effective date of this Ordinance or any amendments thereto shall be effective immediately following its/their adoption at an Annual or Special Town Meeting. A copy of this Ordinance, certified by the Town Clerk shall be filed with the Penobscot County Registry of Deeds.

It shall be the duty of the Town Clerk to keep a chronological record of all amendment proposals and approved ordinance amendments. The Town Clerk shall maintain the Land Use Ordinance with appropriate notations within margins of the document to reflect the most recent changes to the document.

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II. NON-CONFORMING STRUCTURES, USES AND LOTS

A. Burden of Proof

The burden of establishing that any non-conforming structure, use or lot is a legal existing non-conforming use as defined in this Ordinance shall, in all instances, be upon the owner of such non-conforming structure, use, or lot and not upon the Town of Hudson.

B. Conversion to Conformance Encouraged

Owners of all existing non-conforming structures and uses shall be encouraged to convert such existing non-conforming structures and uses to conformance wherever possible.

C. Continuance

1. Any lawful use of building, structure, land or parts thereof existing at the effective date of this Ordinance or amendments thereto and not in conformance with the provisions of the Ordinance shall be considered to be a non-conforming use.
2. Any such non-conforming use may continue, and may be maintained , repaired, and improved. No such non-conforming use may be renewed after it has been discontinued for a period of twelve (12) calendar months or more, expanded, changed to another non-conforming use, or replaced without a permit from the Planning Board in accordance with the provisions of Sections V and VI of this Ordinance.

D. Non-conforming Lots of Record

1. A single lot of record which, at the effective date of adoption of this ordinance, does not meet the area or dimensional requirement, or both, of this Ordinance, may be built upon provided that such lot is not contiguous with any other lot in the same ownership, and that all provisions of this ordinance and State Law shall be met. No division of the lot shall be made which reduces any dimension or area below the requirements of this Ordinance. Variance of setback or other requirements involving area or dimensions shall be obtained only by action of the Board of Appeals.
2. If two or more contiguous lots of record are in the same ownership on or after the effective date of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the area or dimensional requirements, or both, of this ordinance, the lands involved shall be considered to be a single lot for the purposes of this Ordinance, and may be built upon provided that all other provisions of this Ordinance shall be met. No division of the lot shall be made which reduces any dimension or area below the requirements of this Ordinance. Variance of setback or other requirements involving area or dimensions shall be changed only by action of the Board of Appeals.
3. On or after the effective date of adoption or amendment of this Ordinance, no lot shall be created or conveyed which does not meet or exceed the area and dimensional requirements of this Ordinance, except for conveyance to an abutting owner, in which case the provisions of 2. C. 2., shall apply.
4. Contiguous non-conforming lots of record, which at the effective date of adoption or amendment of this ordinance are the site of permitted principal structures, shall be considered lots of record, even if they subsequently come under the same ownership. Contiguous, non-conforming lots of record which, at the effective date of adoption or amendment of this Ordinance, are vacant or are the site of permitted accessory structures shall conform to the provisions of Section II. C. 2.

E. Transfer of Ownership

Ownership of land and structures which remain lawful, but become non-conforming by the adoption or amendment of this ordinance, may be transferred and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.

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III. ESTABLISHMENT OF DISTRICTS

A. Districts Established

For the purposes of this Ordinance, the Town of Hudson is hereby divided into the following districts:

1. Rural Residential (RR)
2. Natural Resource Protection (RP)
3. Shoreland Zoning (SZ)
4. Village Residential (VR)

B. Standards Establishing Districts, District Description

1. Rural Residential (RR)

a. Areas included

The entire area of the Town of Hudson shall constitute the Rural Residential (RR) District except for those areas hereinafter set aside as Natural Resource Protection, Shoreland Zoning, Village Residential.

b. Purpose

This designation is for those areas such as agriculture, forested, scenic, and other open space areas. Medium to low density development is permitted. A minimum lot size of two (2) acres with a minimum of 200 feet frontage is required. The rural character of these areas of town are to be protected by requiring appropriate buffers and setbacks between road and dwellings; cluster development is permitted in this district, however, plans must be approved by the Planning Board for such design. This district is the largest single district in the Town.

2. Natural Resource Protection (RP)

a. Areas Included

Those areas delineated as "D.E.P. Wetland" areas on the Shoreland Zoning Map, Town of Hudson, dated May, 1992.

b. Purpose

For the protection of natural resources such as aquifers, significant wetlands nor included in SZ areas, and animal wintering sites.

3. Shoreland Zoning (SZ)

a. Areas Included

The shoreland zone shall include all shore frontage on Pushaw Lake, Little Pushaw Pond, and the following streams and brooks: Pushaw Stream, Dead Stream, Bear Brook, Beaver Brook, Baker Brook, Forbes Brook, Hudson Brook, Keyser Brook, Logan Brook, and Mohawk Stream, and all other delineated areas on Town of Hudson Shoreland Zoning Map dated May, 1992.

b. Purpose

The separately adopted "Shoreland Zoning Ordinance for the Town of Hudson, Maine" shall control in this district.

4. Village Residential (VR)

a. Areas Included

This area will extend from the junction of Routes 43 and 221 East on Route 43 to the railroad tracks, South on Route 221 to the Hudson Elementary School, West on Hudson Hill Road to Beaver Brook, and North on Route 221 approximately 1/2 mile to the Pine Grove Subdivision.

b. Purpose

This designation is for an area which includes the existing Village area with its mixture of residential and commercial uses and land adjacent to the Village that will provide for the anticipated increase in residential and commercial activity through the year 2001. The minimum lot size required within this area will be one (1) acre with a minimum of 150 feet of frontage. Cluster development will not be allowed in this area.

C. Official Zoning Map

Districts established by this Ordinance are bounded and defined as shown on the official "Land Use Zoning Map of Hudson, Maine" which, together with its notations and amendments, from time to time, is hereby made a part of this Ordinance.

D. Interpretation of District Boundaries

Where uncertainty exists as to boundary lines of Districts as shown on the official "Land Use Zoning Map of Hudson, Maine", the following rules of interpretation shall apply:

1. Boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the Shoreland Zone as defined herein.
2. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the District boundaries.

E. Division of Lots in Two Zones

In the event that a District Boundary line divides a lot or parcel of land of the same ownership of record, at the time such line is established by adoption or subsequent amendment of this Ordinance, the Planning Board, after written findings of fact, that such extensions will not create unreasonable adverse impacts on the existing uses of the adjacent properties, may:

1. When that portion of the lot which is located in the more restrictive District is greater than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than twenty (20) percent of the more restrictive portion;
2. When the portion of the lot which is located on the more restrictive District is less than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than fifty (50) percent of the more restrictive portion;
3. When the portion of the lot which is located in the more restrictive District is equal to that which is located in the less restrictive District, extend the regulations applicable to the less restrictive portion to all of the more restrictive portion.

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IV. SCHEDULE OF USES

A. Uses:

Land Uses permitted in each Zone, in conformance with the land use standards of this Ordinance, are shown below:

B. Key:

Yes - Use allowed with no land use permit required

No - Use prohibited

PB - Use requires permit from the Planning Board

CEO - Use requires permit from the Code Enforcement Officer

NOTE:

Building permits and/or plumbing permits may be required under other ordinances, statutes, rules or regulations.

C. District Abbreviations:

For the purposes of this table the various Districts are identified by the following abbreviations:

RR - Rural Residential District

RP - Natural Resource Protection District

VR - Village Residential District

NOTE:

For land uses in the Shoreland Zone District, see the Shoreland Zoning Ordinance of the Town of Hudson

D. Schedule of Land Uses

Uses	RR	RP	VR
One and Two Family Dwelling	Yes	PB	Yes
Multi-Family Dwelling	PB	No	PB
Cluster Development	PB	No	No
Home Occupation	Yes	PB	Yes
Agriculture	Yes	PB	Yes
Harvesting Wild Crops (Commercial)	Yes	PB	Yes
Timber Harvesting	Yes	PB	Yes
Non-Intensive Recreational Uses not Requiring Structures (Hunting, Fishing, Hiking, etc.)	Yes	Yes	Yes

Uses	RR	RP	VR
Public and Private Parks and Recreational areas/w minimal Structural Development	PB	PB	PB
Management Activities for Fire Protection, Forest, Wildlife, Soil and Water Conservation	Yes	Yes	Yes
Overnight Campground	PB	PB	PB
Cemetery	PB	PB	PB
Non-Residential Facilities for Education, Science or Worship	PB	PB	PB
Health Care Facilities	PB	No	PB
Restaurant, Store, Bakery	PB	No	Yes
Hotel, Motel, Dance Hall	PB	No	PB
Office Building, Bank	PB	No	PB
Small Engine Repair	PB	No	Yes
Light Manufacturing	PB	No	PB
Heavy Manufacturing	No	No	No
Uses	RR	RP	VR
Automobile Dealership	PB	No	PB
Public Garage	PB	No	PB
Filling Station	PB	No	Yes
Saw Mill	PB	No	No
Public Sewage Disposal	PB	No	No
Filling or Other Earth Moving Activity of Less than 10 Cubic Yards	Yes	CEO	Yes
Filling or Other Earth Moving Activity of More than 10 Cubic Yards	Yes	CEO	Yes
Essential Services Accessory to Permitted Uses	Yes	Yes	Yes
Uses Similar to Permitted Uses	CEO	CEO	CEO
Uses Similar to a Use Requiring a CEO Permit	CEO	CEO	CEO
Uses Similar to a Use Requiring a PB Permit	PB	PB	PB

Uses	RR	RP	VR
Structures Accessory to Permitted Uses	CEO	PB	CEO
Private Junkyards and Automobile Graveyards	CEO	No	No

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V. LAND USE STANDARDS

THIS SECTION CONTAINS GENERAL PERFORMANCE STANDARDS WITH WHICH ALL DEVELOPMENT PROPOSALS SUBMITTED FOR APPROVAL PURSUANT TO THIS ORDINANCE MUST COMPLY

The purpose of the regulations contained in this section is to allow maximum utilization of land while insuring against adverse impacts on the environment, neighboring properties, and the public interest. This insurance is provided by separating the area of the Town of Hudson into Districts and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Ordinance.

This regulatory approach has been termed "Performance zoning" because it permits a use to be developed on a particular parcel only if the use meets "performance" standards which have been enacted to insure against the use causing (or having the potential to cause) adverse impacts.

The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board.

In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall address these performance standards and make written findings that each applicable standard has been met prior to final approval. In all instances the burden of proof shall be on the applicant.

A. General Standards

1. Accessory Uses

An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer.

2. "Bed and Breakfast" Accommodations

"Bed and Breakfast" accommodations shall be permitted in the private dwelling of the host family provided that all State licensing requirements are met.

3. Comprehensive Plan

All proposed developments shall be in conformity with the Comprehensive Plan of the Town of Hudson and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

4. Conversions

Conversions of existing structures into multi-family dwelling units, in districts permitting multi-family dwellings, may be permitted provided that:

- a. Off street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided;
- b. Approval of the conversion plans by the Fire Department, Plumbing Inspector, and State Electrical Inspector, Master Electrician or Code Enforcement Officer is required prior to issuance of a land use permit;
- c. Each dwelling unit shall be at least 300 square feet in area for one bedroom units plus 150 square feet for each additional bedroom.

5. Density Bonus Provisions

If a project is a planned development or a "cluster development", the minimum lot area and frontage per dwelling unit may be reduced by the amounts shown below within those districts allowing for such development (Rural Residential). In no case shall lots served by subsurface sewage disposal systems be less than 20,000 square feet.

- a. A density bonus of ten (10) percent, if ten (10) percent to less than twenty-five (25) percent of the site shall be permanently restricted as open space;
- b. A density bonus of twenty (20) percent, if twenty-five (25) to less than forty (40) percent of the site shall be permanently restricted as open space;
- c. A density bonus of thirty (30) percent, if forty (40) percent or more of the site shall be permanently restricted as open space.

6. Dust, Fumes, Vapors, Gases, Odors, glare, and Explosive Materials

- a. No dust, dirt, fly ash, fumes, vapors or gases shall be emitted into the air from any land use or structure so as to endanger the public health and safety, to impair safety on, or the enjoyment of other property, or to constitute a critical source of air pollution. Any such emissions must comply with State and Federal Standards;
- b. No land use or structure shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines into neighboring properties or onto any town way so as to impair the vision of the driver or any vehicle upon that town way; and

- c. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA), Section 30, 58 and 59A.
- d. The above standards shall not be applied to agricultural practices.

7. Erosion and Sedimentation Control

The following measures relating to conservation, erosion, and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance.

- a. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages; and
- b. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:
 - (1) Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
 - (2) Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - (3) The development shall not unreasonably increase the rate of volume of surface water runoff from the proposed site;
 - (4) The disturbed area and the duration of exposure shall be kept to a practical minimum;
 - (5) Temporary vegetation or mulching shall be used to protect disturbed areas during development;
 - (6) Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends;
 - (7) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods;
 - (8) The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Planning Board.

8. Flood Hazard Areas

All construction and development located in a Flood Hazard Area as identified by the Federal Emergency Management Agency and the Floodplain Management Ordinance for the Town of Hudson, shall conform with said Ordinance and subsequent amendments to that ordinance.

9. Home Occupations

The purpose of the Home Occupation provision is to permit the conduct of those businesses which are compatible with the Districts in which they are allowed. Home occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structures.

- a. Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:
 - (1) It is carried on in a dwelling unit or structure customarily accessory to a dwelling unit;
 - (2) It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes;
- b. All home occupations shall conform with the following:
 - (1) Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbances, odors, heat, glare or activity at unreasonable hours, shall not be permitted;
 - (2) The traffic generated by such home operation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood;
 - (3) In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours;
 - (4) There shall be no exterior sign other than that permitted in Section V. A. 16.;
 - (5) The home occupations may utilize:
 - (a) Not more than twenty percent (20%) of the unit dwelling floor area, provided that for the purpose of this calculation, unfinished basement and attic spaces are not included;
 - (b) Unfinished attic and basement spaces; and
 - (c) Accessory structure(s).
 - (6) Use or storage of hazardous or leachable materials in excess of normal residential use shall be stored and disposed of properly.
 - (7) The Code Enforcement Officer shall refer any inquiries for a land use permit for a home occupation to the Board of Appeals if, in his/her opinion, there is any doubt as to whether the proposed use fails to meet any of the requirements.

10. Industrial/commercial performance standards

The following provisions shall apply to all permitted industrial and commercial uses:

a. Danger

No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal statutes, codes, and regulations.

b. Vibration

With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates;

c. Wastes

No offensive wastes shall be discharged or dumped onto land, or into river, stream, watercourse, storm drain, pond, lake, or swamp. The disposal of industrial/commercial wastes must comply with the laws of the State of Maine.

11. Junkyards

No junkyard as defined in this Ordinance shall be established, operated, or maintained without first obtaining a non-transferable land use permit issued in accordance with State licensing and the Town of Hudson's Commercial Automobile and Junkyard Ordinance. The Board of Selectmen and/or the Code Enforcement Officer in cooperation with the State Police shall enforce this provision of this Ordinance.

12. Manufactured housing

a. Intent

It is the intent of this Ordinance to provide a wide variety of housing alternatives to all economic levels within the community, while continuing to insure the minimum standards of health, safety and welfare of the community and its citizens. To this end, this Ordinance allows the siting of all types of manufactured housing within the Town of Hudson, regardless of their construction date. The Town does hereby require, however, that all manufactured housing sited within the Town of Hudson meet certain minimum design and safety criteria:

b. Minimum Safety Standards

All manufactured housing as defined in this Ordinance, regardless of date of manufacture, and sited within the Town of Hudson after the effective date of this Ordinance, shall meet or exceed the following minimum safety standards before a "Certificate of Occupancy" shall be issued by the Code Enforcement Officer in conformance with Section VI of this Ordinance.

- c. Manufactured homes constructed after 1975 must bear the seal of the U.S. Department of Housing and Urban Development which certifies that the Manufactured Home was built pursuant to the provisions of the Manufactured Home Construction and Safety Standards as revised.
- d. Manufactured homes constructed prior to 1975 must meet the following standards:
 - (1) Minimum Electrical Requirements - as provided by the National Electrical Code -
 - (a) Sufficient Ampere Entrance required;
 - (b) Copper wiring required;
 - (c) Appropriate means of grounding required;
 - (d) Ground faulting receptacles required.
 - (2) Minimum Fire Prevention Standards -
 - (a) Contain at least one operable AC smoke detector centrally located within the home and one operable smoke detector in each bedroom;
 - (b) Have at least one operable fire extinguisher which is readily accessible at all times;
 - (c) All heating systems shall meet the standards of NFPA 211. In addition, no wood stove shall be used for heating purposes in any manufactured home in the Town of Hudson without first being inspected and approved by the Town of Hudson Fire Department for safe installation;
 - (d) All automatic dryers, whether electric or gas, must meet the venting requirements of the Manufactured Home Construction Standards of 1975, as established by HUD;
 - (e) Shall have a minimum of two doors exiting directly to the outside of the manufactured home separated by distances as established by the HUD Standards;
 - (f) Must meet the egress requirements of the Manufactured Home construction Standards of HUD, to wit, all manufactured homes shall provide for at least two means of egress from each bedroom, one of which must be directly to the outside of the home.
 - (3) Minimum Plumbing Standards - shall meet or exceed the minimum standards of the Maine Plumbing Code as amended.
 - (4) Minimum Structural Standards - shall meet or exceed the minimum HUD standards pertaining to structural integrity.
 - (5) Minimum Design Standards - All manufactured housing located within the Town of Hudson after the effective date of this Ordinance shall:

- (a) Have and maintain external siding which is residential in appearance;
- (b) Be located on a foundation which may include as a minimum a gravel pad and skirting of a material which is residential in appearance; and provide a safe means of egress and ingress to and from the manufactured home (stairs with handrails).

13. Off-Street Parking

The following minimum off-street parking requirements shall be provided and maintained;

a. Dwellings

Two (2) parking spaces for each dwelling unit.

b. Transient Accommodations:

- (1) Bed and Breakfast accommodations and motels, hotels, boarding houses, and inns, with 10 rooms or less - Two (2) parking spaces plus one (1) space for each guest room; and
- (2) Motels, hotels, boarding houses, and inns with more than 10 rooms - One (1) parking space for each guest room plus one (1) space for each two employees.

c. Health Institutions (bed facilities)

One (1) parking space for every three (3) beds, plus one parking space for each employee based on the expected average employee;

d. Theaters, churches, and other public assembly places

One (1) parking space for every four seats, or for every 100 square feet or fraction thereof of assemblage space if no fixed seat;

e. Retail Stores

One (1) parking space for every 200 square feet of retail area, plus one (1) space for every two employees;

f. Restaurants, eating and drinking establishments

One (1) parking space for every four (4) seats, plus one (1) space for every two employees;

g. Professional offices and public buildings

One (1) parking space for every 200 square feet of gross leasable area, exclusive of cellar and bulk storage areas;

h. Commercial Recreational Establishments

The Planning Board shall determine the appropriate number of spaces;

i. Commercial/Light Industry

The Planning Board shall determine the appropriate number of spaces.

14. Off-Street Loading Requirements

Adequate off-street loading areas shall be provided.

15. Sewage Disposal

a. Subsurface Sewage Disposal

b. No permit shall be issued for a project with subsurface sewage disposal unless:

- (1) There is an area of suitable soils according to the Subsurface Waste Water Disposal Rules of sufficient size to accommodate the proposed system; and
- (2) An acceptable plan to construct the absorption area is prepared in accordance with the Subsurface Waste Water Rules; and
- (3) In lieu if (1) and (2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitably engineered solution.

c. Sewage Sludge Disposal

d. All septic sludge disposal shall conform with the "Maine Guidelines for Septic Tank Sludge Disposal on the Land", published by the University of Maine and the Maine Soil and Conservation Commission in April 1974, as revised.

16. Signs

a. On-Premise Signs

b. Owners or occupant of real property may erect and maintain on-premise signs which advertise the sale or lease thereof or activities being conducted thereon, provided the sign does not adversely impact the character of the neighborhood.

c. Temporary Signs

d. The following temporary signs are permitted provided said signs conform to all standards of this section and all other municipal, federal, and state ordinances, statutes, and/or rules:

- (1) Temporary signs giving notice
- (2) Signs of a temporary nature, such as political posters, advertisements of charitable functions, notices of meetings, other non-commercial signs of a similar nature, are permitted for a period not to exceed thirty (30) days. Persons who posted the signs shall be responsible for their removal.

(3) Temporary Yard Sale Signs

- (4) Temporary Yard Sale Signs are permitted provided they are removed within 24 hours of the completion of the sale. Yard sales which extend for more than four (4) consecutive days are considered a commercial use.

e. Sign requirements

f. All signs within the limits of the Town of Hudson shall meet the following requirements:

- (1) No sign shall contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights;
- (2) Signs may be illuminated only by shielded non-flashing lights so as to effectively prevent beams or rays of light from being directed at neighboring residential properties or any portion of the main travelled way of a roadway, or is of such low intensity or brilliance so as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof.

g. Exempt Signs

h. The following signs are exempt from the provisions of this section except as otherwise provided for herein:

- (1) Signs erected by a government body; and
- (2) Traffic control signs, signals, and/or devices.

17. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report prepared by a State-certified soil scientist or geologist, based on an on-site investigation.

18. Topsoil and Vegetation Removal

- a. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations;
- b. Except for normal thinning, landscaping, cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Planning Board shall require a developer to take measures to prevent and correct soil erosion in the proposed development.

19. Utilities

- a. Underground utilities, when and if installed, shall be installed prior to the installation of the final gravel base of the road; and

- b. The size, type, and location of street lights and other utilities shall be shown on the plan and approved by the Planning Board.

20. Water Quality

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that runs off, seeps, percolates, or washes into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable share deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, to be harmful to human, animal, plant or aquatic life.

B. Dimensional Requirements

All lots, structures and uses shall meet or exceed the following dimensional requirements:

The Land Use District symbols are:

Rural Residential:	(RR)
Natural Resource Protection	(RP)
Shoreland Zoning	(SZ)
Village Residential	(VR)

DISTRICT REQUIREMENTS	RR	RP	VR
Minimum Lot Size	2 acres *	2 acres	1 acre
Minimum Lot Area per Family	2 acres *	2 acres	1/2 acre
Minimum Road Frontage	200 Ft.	200 Ft.	150 Ft.
Center of Road Setback	50 Ft. **	50 Ft. **	50 Ft. **
Minimum Side Yard Setback	20 Ft.	20 Ft.	10 Ft.
Minimum Rear Yard Setback	20 Ft.	20 Ft.	20 Ft.

* Cluster Development may vary in accordance with General Standards above.

** Denotes setback from center of Town Roads. Minimum setback from State Roads shall be in conformance with State of Maine Department of Transportation requirements.

SHORELAND ZONING (SZ) DISTRICTS ARE GOVERNED BY THE TOWN OF HUDSON SHORELAND ZONING ORDINANCE.

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VI. ADMINISTRATION AND ENFORCEMENT

A. Permits

1. Permits required

After the effective date of this ordinance no person shall engage in any use of land requiring a permit in the district in which it would occur, or expand or change an existing non-conforming use, or renew a discontinued non-conforming use without first obtaining a permit.

2. Permit Application

Application for permits shall be submitted in writing to the Code Enforcement Officer or the Planning Board. All information required to determine conformance with the provisions of this Ordinance must be provided by the applicant.

3. Approval of Permits

Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. All permits shall either be approved or denied within sixty (60) days of receipt of a completed application, including all the information requested by the Town of Hudson.

4. Permits Issued by the Code Enforcement Officer

The Code Enforcement Officer shall approve or deny those applications on which he is empowered to act as shown in Section IV, and shall forward to the Planning Board the completed applications upon which they are empowered to act. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

5. Permits Issued by the Planning Board

The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall, after the submission of a complete application, including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use:

- a. Meets the Intent of the Comprehensive Plan;
- b. Is in conformance with the appropriate provisions of Section V, Land Use Standards, of this Ordinance;
- c. Will adequately dispose of the amount and type of wastes to be generated;
- d. Will not create adverse long term effects on topographic and drainage features, and vegetative cover of the site;

- e. Does not have a high erosion potential based on the degree and direction of slope, soil type,, and vegetative cover;
- f. Will not adversely impact local water supplies and municipal services;
- g. Will not adversely impact the surrounding neighborhood in terms of scale of development, height of structures, traffic, and general compatibility;
- h. Will not result in unsafe or unhealthful conditions;
- i. Will not result in water pollution, including lakes, ponds, streams, brooks, aquifers, and wells;
- j. Will not adversely impact air quality;
- k. Will not create disturbing and disruptive noise levels;
- l. Will not result in damage to spawning grounds, fish, aquatic and bird life, and other wildlife habitat;
- m. Will avoid problems associated with flood plain development and use.

6. Conditions

If the Code Enforcement Officer or the Planning Board does not make a positive finding on any one or more of the above listed criteria, then the permit application may be approved subject to those reasonable conditions which, when imposed, do produce a positive finding on each of the criteria.

7. Other Permits Required Before Approval

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been secured and evidence that they have been secured has been provided, unless state or federal regulations require local approval first.

B. Violations

Any violation of this Ordinance shall be deemed to be a nuisance and shall be corrected within thirty (30) days of receipt of Notice of Violation unless an extension of time is granted by the Code Enforcement Officer or the Planning Board. Said violation may void all permits.

C. Commencement and Completion of Work

Construction and alteration activities for which approval has been granted under this Ordinance shall commence within one (1) year of the date of issuance of the permit and shall be substantially completed within twenty-four (24) months of the date of issuance.

Activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the approval issued under this Ordinance shall be considered void.

Activities may be extended for up to one (1) year by the Code Enforcement Officer or the Planning Board if an application is submitted no later than thirty (30) days prior to expiration.

D. Certificate of Occupancy Required

After a building , structure, or part thereof has been erected, altered, enlarged or moved, pursuant to approval under this ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used. A Certificate of Occupancy is required for the following:

1. Any increase in the number of dwelling units in a building;
2. Establishment of a home occupation;
3. Change in the use of a non-conforming structure or lot;
4. Rental or leased units.

E. Public Hearings

The Town Clerk shall publish notice of hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places at least seven (7) days in advance of the hearing.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman of the Planning Board or designated hearing officer.

The Planning Board must reach a decision within sixty (60) days of receipt of a completed application, including all requested information. Upon reaching a decision, the Planning Board shall prepare a written decision, stating its reasons. The detailed written findings of fact, shall be based on sufficient evidence presented at the public hearing, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon the evidence contained in the record of the hearing, site visits, and the application.

F. Enforcement

1. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance

conditions. A copy of such notice shall be maintained as a permanent record, and a copy provided to the Planning Board.

2. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectpersons, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Municipality.

3. Fines

Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be guilty of a civil violation and subject to such fines as are set forth in 30 MRSA 4966, subsection 3.

4. Contractor Liability

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity has not been obtained.

G. Variances and Appeals

1. Variances

- a. Variances may be granted by the Board of Appeals from the restriction imposed by this Ordinance on lot size, coverage and setback, only where strict application of this Ordinance, or a provision thereof, would cause undue hardship to the petitioner and his property.
- b. The words "undue hardship" shall mean:
 - (1) That the land in question cannot yield a reasonable return unless a variance is granted;
 - (2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (3) That the granting of a variance will not alter the essential character of the locality;
 - (4) That the hardship is not the result of action taken by the applicant or a prior owner.
- c. A variance is authorized only for dimensional requirements. A variance shall not be granted to permit a use or structure otherwise prohibited.
- d. Each petitioner for a variance shall submit to the Board of Appeals statements in writing, which may be accompanied by diagrams or photographs which shall become part of the record of such petition, demonstrating the following:

- (1) The nature of the hardship to the property under appeal; and the physical circumstances that allegedly would occasion such undue hardship;
- (2) That such physical circumstances are peculiar to the property under appeal, and are not substantially duplicated on other property adjoining or nearby in the same neighborhood or the same District; and
- (3) That the relief sought would not adversely affect property adjoining or nearby in the same neighborhood or the same District, and would not endanger the public health, safety or convenience and would not be contrary to this Ordinance or the Town of Hudson Comprehensive Plan.

2. Administrative Appeals

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held within thirty (30) days in accordance with State law.

Following the hearing, the Board of Appeals may reverse the decision of the Planning Board or the Code Enforcement Officer only upon a written finding that the decision is clearly contrary to specific provisions of this Ordinance.

3. Appeal to Superior Court

An appeal may be taken, within thirty (30) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State law.

H. Fee Schedule

All applications for Land Use Permits shall be accompanied by the following fees payable to the Town of Hudson. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit.

1. Plumbing Permits
2. Fees for Plumbing Permits shall be pursuant to the Maine State Plumbing Code.
3. Land Use Permits
4. Fees for Land Use Permits include the building notification fee and shall be paid to the Town of Hudson, Maine pursuant to the following schedule of fees:

Value	Fee	Value	Fee
\$ 1,000- 5,000	\$ 5	\$ 70,001- 80,000	\$ 80
\$ 5,001-10,000	\$ 10	\$ 80,001- 90,000	\$ 90
\$ 10,001-20,000	\$ 20	\$ 90,001-100,000	\$ 100
\$ 20,001-30,000	\$ 30	\$ 100,001-200,000	\$ 200
\$ 30,001-40,000	\$ 40	\$ 200,001-300,000	\$ 300
\$ 40,001-50,000	\$ 50	\$ 300,001-400,000	\$ 400
\$ 50,001-60,000	\$ 60	\$ 400,001-500,000	\$ 500
\$ 60,001-70,000	\$ 70	Over \$ 500,001	\$ 600

For those projects whose estimated construction cost exceeds the above schedule of fees, add one additional dollar (\$1.00) for each thousand dollars (\$1000) in additional estimated construction costs.

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VII. DEFINITIONS

A. Construction of Language

In this Ordinance, certain terms or words should be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
2. The present tense includes the future tense, the singular number includes the plural and the plural includes the singular;
3. The word "shall" is mandatory;
4. The words "may" is permissive;
5. The words "used" or "occupied" includes the words "intended", "designed". or "arranged to be used or occupied"; and
6. The word "dwelling" includes the word "residence".

7. the case of any difference of meaning or implication between the text of this ordinance and any map or illustration, the text shall control.
8. Terms not defined shall have the customary dictionary meaning.

B. Definitions

For the purposes of interpreting this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

ABUTTING:

Having a common border with, or being separated from such common border by an alley or easement.

ACCESS:

A means of approach or entry to or exit from property.

ACRE:

A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

AGGRIEVED PERSON:

A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer.

ALTERATION:

As applied to a building or structure, a change or rearrangement of the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; of the moving from one location or position to another.

ANTIQUE SHOP:

A retail business establishment offering for sale wares or goods such as art, furniture, or decorative objects from an earlier period than the present day.

APARTMENT:

See STRUCTURAL TERMS.

APPEAL:

A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of this Ordinance.

ATTIC:

That part of a building which is immediately below, and wholly or part within , the roof framing.

AUTOMOBILE SALES LOT:

A lot arranged, designed, or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

AUTOMOBILE SERVICE STATION (filling station):

Any premises used for supplying gasoline and oil at retail, direct to the consumer, including the sale of minor accessories and minor services of automobiles.

AUTO REPAIR GARAGE:

A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

BASEMENT:

The substructure of a building that is partially or wholly below ground level which may or may not be used for living space.

BED AND BREAKFAST:

Those accommodations provided for compensation as a business in the private residence of the host family.

BUFFERS:

Units of land, together with a specific type and amount of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING:

A roofed structure. See STRUCTURAL TERMS.

BUILDING AREA:

Total of areas takes on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

CAMPGROUND:

Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents,

recreational vehicles and/or towed travel trailers for compensation. Accessory uses, subject to further review, include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlets for camping supplies and equipment, recreational services, etc..

CERTIFICATE OF OCCUPANCY:

Official certification that a premises conforms to provisions of the land use ordinance and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

CHURCH CAMP/YOUTH CAMP:

A building or group of buildings used for recreational or religious programs and activities for specific time periods throughout the year.

CLUSTER DEVELOPMENT:

The development, according to an approved plan, of a large tract of land where three (3) or more buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district; and land not built upon is permanently preserved as common "open space". The term also refers to a Planned Unit Development.

COCKTAIL LOUNGE:

A public room typically where cocktails and other drinks are served.

CODE ENFORCEMENT OFFICER:

A person appointed or elected by the governing body to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector and the like where applicable.

COMMERCIAL COMPLEX (Shopping Mall):

Commercial premises owned or managed as a single entity, which accommodates more than one retail or service business, including professional offices, and containing more than 12,000 square feet of gross floor area, including department stores and grocery stores with more than 12,000 square feet of gross floor area.

CONDOMINIUM:

As defined in the "Maine condominium Act of 1983", the term means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, duly recorded pursuant to this Act. A condominium is a legal form of ownership, not a land development type. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONDOMINIUM CONVERSION:

A building that at any time before creation of the condominium was occupied wholly or partially by one or more persons other than purchasers and persons who occupy with the consent of purchasers.

CONGREGATE HOUSING:

A private, licensed establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age or physical condition do not desire to, but are financially capable of providing such care for themselves, and who are not in need of medical or nursing treatment except in the case of temporary illness.

DAY CARE FACILITY:

As defined in Title 22, MRSA, Section 1673, as a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of the day, providing care and protection for 3 or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

a. Day Care Center:

A Day Care Facility as defined in State Statutes for 13 or more children on a regular basis; and

b. Day Care Home

A Day Care Facility as defined in State Statutes for 3 to 12 children on a regular basis.

DEDICATION:

The transfer of property interests from private to public ownership for a public purpose. The transfer may be fee-simple interest or of a less-than-fee-simple interest, including an easement.

DENSITY:

The number of dwelling units per area of land.

DENSITY BONUS:

The reduction in the minimum lot size and minimum lot area per dwelling, in planned or cluster development proposals, where permanent open space is provided.

DEVELOPER:

The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DEVELOPMENT:

The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.

DISTRICT:

A specified portion of the Town, delineated on the Official Land Use Map, within certain regulations and requirements or various combinations thereof, applied under the provisions of this Ordinance.

DRAINAGE:

The removal of surface or groundwater from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation and prevention or alleviation of flooding.

DRIVEWAY:

A private way primarily intended to transport vehicles from a public or private way to within private property.

DWELLING:

See STRUCTURAL TERMS.

EASEMENT:

Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

ELDER COTTAGES:

See STRUCTURAL TERMS.

EMERGENCY OPERATIONS:

Emergency operations shall include operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

ENLARGEMENT OR TO ENLARGE:

An "enlargement" is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

ESSENTIAL SERVICES:

The construction, alteration or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

EXTENSION OR TO EXTEND:

An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

FAMILY:

Two (2) or more persons related by blood, marriage, adoption or guardianship, or not more than five (5) persons not so related occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

FRONTAGE, ROAD:

The horizontal distance between the intersections of the side lot lines with the front lot line. Easements may be included while calculating road frontage.

GARAGE, RESIDENTIAL:

An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings, not more than one space may be used by the private automobile of a person not resident on the premises.

GENERAL CONTRACTOR:

A retail business establishment that contracts to perform work or provide services that is primarily construction related.

GIFT SHOP:

A retail business establishment offering for sale wares or goods suitable for gifts.

GRADE:

In relation to buildings, the average of the finished ground level at the center of each wall of a building.

GRAIN AND FEED STORE:

A retail business establishment offering for sale wares or goods such as grain, feed and other farm related products.

GREENHOUSE, COMMERCIAL:

An enclosed building, permanent or portable, which is used for the growth and sale of small plants at wholesale or retail.

GREENHOUSE, NON-COMMERCIAL:

An accessory building to a residence designed or used for the growth of small plants.

GROCERY STORE:

A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a "Major Retail Outlet".

GUEST ROOM:

A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which room no provision is made for cooking.

HOME OCCUPATION:

A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, or a structural accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes, and does not change the residential character or appearance of such building.

HOSPITAL:

An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

IMPERVIOUS SURFACE:

Surfaces which do not absorb water, specifically all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt. In cases of lumber yards, areas of stored lumber constitute impervious surfaces.

INDUSTRY:

Use of premises for assembling, fabricating, finishing, manufacturing, packaging or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

IN-LAW APARTMENT:

see STRUCTURAL TERMS.

JUNKYARD:

1. Automobile Graveyard:

A yard, field or other area used as a place of storage for three (3) or more unserviceable, discarded, worn out or junked automobiles.

2. Junkyard:

A yard, field or other area used as a place of storage for discarded, worn out or junked plumbing, heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel, and other ferrous and non-ferrous material, including garbage dumps, waste dumps and sanitary landfills.

LAND USE PERMIT:

A permit for a proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

LIVE BAIT SALES:

The sale of goods and services associated with luring onto a hook or into a trap.

LOADING SPACE:

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT AREA:

The area contained within the boundary lines of a lot.

LOT, CORNER:

A lot abutting two or more streets at their intersection.

LOT COVERAGE:

The percentage of the lot covered by impervious surfaces.

LOT DEPTH:

The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

LOT FRONTAGE:

Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required the Ordinance shall be provided, at least on one street. Easement may be included when calculating lot frontage.

LOT LINE:

A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

a. Front Lot Line:

In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the line parallel to the front of the building.

b. Rear Lot Line:

That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to the street.

c. Side Lot Line:

Any lot line other than a front or rear lot line.

LOT OF RECORD:

Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

LOT STANDARDS:

The combination of controls which establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as "space and bulk" regulations in size and height of building; location of exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

MAJOR RETAIL OUTLET:

A retail commercial establishment with an interior customer selling space, excluding back room storage, office space, and processing space, of more than 5,000 square feet.

MANUFACTURING:

The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping the processed materials into useful objects/products, including the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

MANUFACTURED HOUSING:

A structural unit or units designated for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

a. Newer Mobile Homes:

Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et. seq., which in the travelling mode, are 14 feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation.

b. Older Mobile Homes:

Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include the smaller units commonly called "travel trailers"; and

c. Modular Homes:

Those units which the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities including the plumbing, heating, air conditioning or electrical systems contained herein.

MEDICAL CLINIC:

An office building used by members of the medical profession for the diagnosis and out patient treatment of human ailments.

MINERAL EXTRACTION:

The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geological material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

MOBILE HOME PARK:

A parcel of land under unified ownership approved by the Town of Hudson for the placement of three (3) or more manufactured homes.

MOTOR VEHICLE:

Every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

MOTOR VEHICLE, UNSERVICEABLE:

Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purpose for which it was manufactured.

MUNICIPAL FACILITIES:

Buildings or land which is owned by the Town of Hudson and operated under its supervision.

MUSEUM:

A building or portion thereof which is devoted to the procurement, care, study, and display of objects of lasting interest or value.

NON-CONFORMING USE:

See USE TERMS.

NORMAL MAINTENANCE AND REPAIR:

Any work necessary to maintain an improvement structure in its original or previously improved condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change in size or capacity.

NURSERY, COMMERCIAL:

An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

NURSING HOME:

A facility for the care of the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

OWNER:

The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

PARCEL:

The entire area of a tract of land before being divided by a development.

PARKING LOT:

An open area other than a street used for the parking of more than four automobiles and available for public use whether for free, for compensation, as an accommodation for clients or customers.

PARKING SPACE:

A designated area, not less than ten (10) feet wide and 20 feet long, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

PATIO:

See STRUCTURAL TERMS.

PERFORMANCE STANDARD:

A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by uses in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of the citizens of Hudson.

PROFESSIONAL OFFICE BUILDING:

A building in which there is located the office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., or in which a business conducts its administrative, financial or clerical operations, but not including any manufacturing or sale of goods or merchandise.

PUBLIC UTILITY:

Any person, firm, corporation, municipal department, board or commission authorized by the Maine Public Utilities Commission to furnish gas, steam, electricity, communication facilities, or transportation of water to the public.

RECONSTRUCTION:

The restoration, remodeling or rebuilding of a non-conforming structure, whether necessitated by deterioration, obsolescence, casualty or other occurrence, where the costs of such work equal or exceed the value of the property in its existing condition.

REDEMPTION CENTER:

A retail business establishment offering monetary exchange for bottles, cans, and associated products in accordance with the applicable state regulations.

RENTAL CABINS AND COTTAGES:

Dwelling units that are specifically designed and developed for temporary accommodations.

REPAIR SERVICE (other than auto):

A retail business establishment providing repair and maintenance services of various products other than automobiles.

RESTAURANT:

An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics;

- a. Customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or
- b. A cafeteria type operation where food and beverages generally are consumed within the restaurant building.

ROAD:

A public or private thoroughfare, way, or easement permanently established for passage of persons or vehicles, having a minimum width of 60 feet. Road width may be reduced with Planning Board approval.

ROAD SIDE STAND:

A roadside stand selling at retail on the premises farm produce, firewood, garden, greenhouse or nursery products, cut Christmas trees, garland, wreaths, and wreath materials and similar seasonal products.

SCHOOL, MUNICIPAL:

A publicly owned facility within which educational classes for any grades, kindergarten through twelve, are conducted pursuant to a program approved by the State Board of Education or a similar governmental agency.

SETBACK:

The minimum horizontal distance from the center of the travel-way or lot line to the nearest part of a structure.

STRUCTURAL TERMS:

a. Apartment:

See dwelling unit below.

b. Building:

Any structure, maintained, or intended for use as shelter or enclosure of persons, animals, goods, or property of any kind. This term is inclusive of any thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

c. Building, Accessory:

A building which;

(1) is subordinate in extent and purpose to the principal building or use served,

(2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and

(3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

d. Building, Principal:

A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

e. Camp:

A building intended only for use on a seasonal basis. If located on the same lot with a principal building, it is considered to be an accessory structure. Use as a principal dwelling or rental cabin is not allowed. A camp may be a simple one room primitive structure or a building with all modern conveniences. All plumbing and electrical improvements shall comply with the applicable codes.

f. Dwelling:

A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple family dwellings.

g. Dwelling Unit/Apartment:

A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family including provisions for living, sleeping, cooking and eating.

h. Dwelling, Single-Family Detached:

A dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

i. Dwelling, Two-Family:

A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

j. Dwelling, Multiple-Family:

A building, or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

k. Elder Cottage:

A detached temporary dwelling unit located on the same parcel as the principal dwelling unit, which meets the applicable lot size, setback, and septic system requirements. Elder cottages must be removed from the parcel once its intended needs are served. Elder cottages must be occupied by persons related to the owner and occupant of the principal dwelling unit by blood, marriage or adoption whether or not said persons pay rent or share expenses with the owner thereof.

l. In-Law Apartment:

A separate dwelling unit which is located within and subordinate to a single family detached dwelling and is occupied by a person or persons related to the owner and principal occupant of the dwelling unit by blood, marriage or adoption whether or not said persons pay rent or share expenses with the owner thereof.

m. Patio:

A recreation area that adjoins a dwelling and is delineated by paving, concrete, stones or other impervious surfacing material and is adapted especially to outdoor dining and lounging.

n. Structure:

Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck.

SUBDIVISION:

The division of a tract or parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5 year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structure previously used for commercial or industrial use into 3 or more dwelling units within a 5 year period as further defined in State Statutes, Title 30-A, MRSA, Section 4401, as amended.

TAKE OUT FOOD SERVICES:

A retail business establishment designed for the sale of food not to be consumed within the business structure.

TEMPORARY SIGN:

A sign of a temporary nature, erected for less than ninety (90) days, exemplified by the following: political poster, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, and all signs advertising sales of personal property, and for rent signs.

TOWN:

The Town of Hudson.

USE:

The purpose or activity for which land or any building thereon is designed, arranged, or intended, for which it is occupied or maintained.

a. Accessory Use:

b. A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

c. Principal Use:

The specific or primary purpose for which land is used.

d. Temporary Use:

A use established for a fixed period of time with the intent to discontinue such upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure, with the exception of an Elder Cottage.

e. Conforming (Permitted) Use:

A use which may be lawfully established in a particular district, provided it conforms with all the requirements, standards and regulations of such district.

f. Existing Non-Conforming Use:

A use which lawfully existed prior to the enactment of this Ordinance or subsequent amendment, and which is maintained after the effective date of this Ordinance, although it does not comply with use restrictions applicable to the district in which it is situated.

g. Non-Conforming Use:

A use which does not conform to the provisions of this Ordinance.

h. Open Space Use:

A use which does not disturb the existing state of the land except to restore this land to a natural condition.

VARIANCE:

A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship as defined by State Statutes.

WAREHOUSING AND STORAGE FACILITY:

A structure for the storage of merchandise commodities, including bulk storage and bulk sales outlet.

WHOLESALE BUSINESS FACILITY:

Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

YARD:

The area of land on a lot not occupied by buildings.

a. Front Yard:

The open, unoccupied space on the same lot with the principal building between the front lot line, and the nearest part of any building on the lot, and extending the entire width of the lot.

b. Rear Yard:

The open, unoccupied space on the same lot with the principal building between the rear lot line, and the nearest part of any building on the lot, and extending the entire width of the lot.

c. Side Yard:

The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear line.

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APPENDIX A: Town of Hudson Shoreland Zoning Map

The Town of Hudson Shoreland Zoning Map is on display at the Town Office.

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Shoreland Zoning Ordinance for the Town of Hudson, Maine

Amended: September 12, 1991, March 27, 1993, March 26, 1994,
March 24, 2001 and March 21, 2009

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I. PURPOSES.

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

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II. AUTHORITY.

This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

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III. APPLICABILITY.

This Ordinance applies to

- all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river;
- all land areas within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and
- all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

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IV. EFFECTIVE DATE.

- A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on March 21, 2009, shall not be effective unless approved by the Commissioner of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be deemed approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

- B. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. Section 438-A(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A. Section 438-A(5), the following provisions of this ordinance are repealed:

Section XIV. Table of Land Uses Item 3 (Forest management activities except for timber harvesting), Item 4 (Timber harvesting) and Item 27 (Land management roads);

Section XV. O. in its entirety; and

Section XVII. Definitions, the definition of "forest management activities", "land management roads" and "residual basal area".

NOTE:

The statutory date established under 38 M.R.S.A. Section 438-A(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest average of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. Section 438-A(5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards.

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V. AVAILABILITY.

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

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VI. SEVERABILITY.

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

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VII. CONFLICTS WITH OTHER ORDINANCES.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

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VIII. 8. AMENDMENTS.

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the

amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

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IX. DISTRICTS AND ZONING MAP.

A. Official Shoreland Zoning Map.

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

1. Resource Protection
2. Limited Residential/Recreational
3. Limited Commercial
4. General Development I
5. General Development II
6. Stream Protection

B. Scale of Map.

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map.

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. Changes to the Official Shoreland Zoning Map.

If amendments, in accordance with Section VIII, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

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X. INTERPRETATION OF DISTRICT BOUNDARIES.

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location. Zones and boundaries have been identified under the Resource protection, Limited Residential/Recreational and Limited Commercial Districts as shown on the Hudson Fresh-Water Wetlands Map (see Attachment 1).

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XI. LAND USE REQUIREMENTS.

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

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XII. NON-CONFORMANCE.

A. Purpose.

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section XII. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General.

1. Transfer of Ownership:
2. Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
3. Repair and Maintenance:
4. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

NOTE:

See Section XVII for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures.

1. Expansions:

A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below.

- a. Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.

- (1) Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
- (2) Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principle structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
- (3) For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.
- (4) For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or the upland edge of a wetland must meet the floor area and height limits of division (3).

For the purposes of Section XII. C. 1. a., a basement is not counted toward floor area.

- b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section XII. C. 2. Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.
2. Special expansion allowance.
- a. Existing principal and accessory structures that exceed the floor area or height limits set in Section XII. C. 1. a. (3) and Section XII. C. 1. a. (4) above, may not be expanded, except that the limits may be exceeded by not more than 500 square feet provided that all of the following requirements are met.

- (1) The principal structure is set back at least 50 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland.
- (2) A well-distributed stand of trees and other natural vegetation as defined in Section XV. P. 2. b., extends at least 50 feet, horizontal distance, in depth as measured from the normal high-water line or upland edge for the entire width of the property.

If a well-distributed stand of trees and other vegetation meeting the requirements of Section XV. P. 2. b. is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, by the property owner, and approved by the Planning Board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within 50 feet, horizontal distance, of the shoreline or tributary stream.

- (3) Adjacent to great ponds classified GPA and rivers flowing to great ponds classified GPA, except for the allowable footpath, there exists complete natural ground cover, consisting of forest duff, shrubs and other woody and herbaceous vegetation within 50 feet, horizontal distance, of the normal high-water line. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater.
- (4) A written plan by the property owner, including a scaled site drawing, is approved by the Planning Board and is developed, implemented, and maintained to address the following mitigation measures for the property within the shoreland zone.
 - (a) Unstabilized areas resulting in soil erosion must be mulched, seeded, or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies, tributary streams, and wetlands.
 - (b) Roofs and associated drainage systems, driveways, parking areas, and other nonvegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a water body, tributary stream or wetland, Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.

b. Planting requirements.

Any planting or revegetation required as a condition to the Special Expansion Allowance must be in accordance with a written plan drafted by a qualified professional, be implemented at the time of

construction, and be designed to meet the rating scores contained in and the ground cover requirements of Section XV. P. 2. b. when the vegetation matures within the 50 foot strip. At a minimum, the plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one sapling per 80 square feet of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six feet tall for deciduous species. The planting plan must include a mix of at least three native tree species found growing in adjacent areas, with no one species making up more than 50% of the number of saplings planted unless otherwise approved by the Planning Board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.

c. Filing and Reporting Requirement.

Written plans required pursuant to Section XII. C. 2. d. must be filed with the registry of deeds of the county in which the property is located. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the department within 14 days of the issuance of the permit.

3. Relocation:

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

- a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed, or removed.

- b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

4. Reconstruction or Replacement:

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section XII. C. 1. above, as determined by the non-conforming floor area of the reconstructed or replaced structure at its new location. If the total amount of floor area of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or reconstructed at less than the setback requirements for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replaced in accordance with Section XII. C. 2. above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed damaged or destroyed, regardless of the cause, by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained, from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section XII. C. 2. above, the physical condition and type of foundation present, if any.

5. Change of Use of a Non-conforming Structure:

The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

D. Non-conforming Uses.

1. Expansions:

Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Paragraph 12. C. (1) (a) above.

2. Resumption Prohibited:

A lot, building or structure in or on which a non- conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use:

An existing non-conforming use may be changed to another non- conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section XII. C. 4. above.

E. Non-conforming Lots.

1. Non-conforming Lots:

A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots:

If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

F. Contiguous Lots - Vacant or Partially Built:

If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on September 12, 1991 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

- a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

- b. Any lots that do not meet the frontage and lot size requirements of Section XII. E. 3. a.. are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

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XIII. ESTABLISHMENT OF DISTRICTS. (See Attachment 1)

A. Resource Protection District.

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed, and areas which meet the criteria for the Limited Commercial, or General Development I need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

Wetlands

The 250 foot zone from the upland edge of the following wetlands: #'s 15, 17, 18, 21, 161, 219, and 226 must be zoned resource protection (RP), as they are classified as medium wildlife value areas. In areas where development exists within the shoreland zone, but outside the first 100 feet from the upland edge of a wetland, a split zone may be warranted where the first 100 feet from the from the upland edge of the wetland is zoned as Resource Protection and the remaining 150 feet is zoned Limited Residential/ Recreational.

NOTE:

The Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes: habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas as defined by the Department of Inland Fisheries and Wildlife; and high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife.

2. Flood-plains along rivers and flood-plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood-plain soils.
 3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
 4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
 5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
 6. Other important wildlife habitat;
 7. Natural sites of significant scenic or aesthetic value;
 8. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development;
 9. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.
 10. Aquifers that will be designated in the Comprehensive Plan at a later date.
- B. Limited Residential/Recreational District.

The Limited Residential/Recreational District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, or the General

Development Districts. The Limited Residential/Recreational District includes zones 13N, 14N, 16N, 19N, 20N, 156N, 157N, 158N, 159N, 162N, 163N, 164N, 217L, 220N, 224N, 225N, 227N, 228N, 229N, 230L, 231N, 235N (See Attachment 1).

C. Limited Commercial District.

The Limited Commercial District includes areas of mixed, light commercial and residential uses as shown above, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development I District.

The General Development I District includes the following types of existing, intensively developed areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the areas listed below:
 - a. Areas devoted to manufacturing, fabricating or other industrial activities;
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. General Development II District.

The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts, where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development I or II District may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions

in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers, which flow to great ponds, classified GPA.

NOTE:

See definition of "great pond classified GPA" in Section XVII.

F. Stream Protection District.

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Streams: The waterways listed below meet the stream definition and have a 75-foot shoreland zone on each side starting at the normal high-water line:

1. Bear Brook
2. Beaver Meadow
3. Baker Brook
4. Forbes Brook
5. Hudson Brook
6. Keyser Brook
7. Logan Brook
8. Mohawk Stream

The waterways listed below meet the river definition and have a 250-foot shoreland zone.

1. Dead Stream from Bear Brook in Lagrang
2. Pushaw Stream from Little Pushaw Pond to Pushaw Lake
3. Pushaw Stream from Pushaw Lake.

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XIV. TABLE OF LAND USES.

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section XV. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes Allowed (no permit required but the use must comply with all applicable land use standards.)

No Prohibited

PB Allowed with permit issued by the Planning Board

CEO Allowed with permit issued by the Code Enforcement Officer

LPI Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

SP Stream Protection

RP Resource Protection

LR Limited Residential/Recreational

LC Limited Commercial

GD General Development I and II

Table 1: Land Uses in the Shoreland Zone					
Land Uses	Districts				
	SP	RP	LR	LC	GD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing & hiking.	Yes	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads & trails.	Yes	Yes	Yes	Yes	Yes
3. Forest management activities except for timber harvesting and land management roads.	Yes	Yes	Yes	Yes	Yes
4. Timber harvesting.	Yes	CEO	Yes	Yes	Yes
5. Clearing or removal of vegetation for activities other than timber harvesting.	CEO	CEO ¹	Yes	Yes	Yes

Table 1: Land Uses in the Shoreland Zone

	Districts				
Land Uses	SP	RP	LR	LC	GD
6. Fire prevention activities.	Yes	Yes	Yes	Yes	Yes
7. Wildlife management practices.	Yes	Yes	Yes	Yes	Yes
8. Soil and water conservation practice.	Yes	Yes	Yes	Yes	Yes
9. Mineral exploration.	No	Yes ²	Yes ²	Yes ²	Yes ²
10. Mineral extraction including sand and gravel extraction.	No	PB ³	PB	PB	PB
11. Surveying & resource analysis.	Yes	Yes	Yes	Yes	Yes
12. Emergency operations.	Yes	Yes	Yes	Yes	Yes
13. Agriculture.	Yes	PB	Yes	Yes	Yes
14. Aquaculture.	PB	PB	PB	Yes	Yes
15. Principal structures and uses					
A. One & two family residential	PB ⁴	PB ⁹	CEO	CEO	CEO
B. Multi-unit residential	No	No	PB	PB	PB
15. Principal structures and uses					
C. Commercial	No	No ¹⁰	No ¹⁰	PB	PB
D. Industrial	No	No	No	No	PB
E. Governmental & Institutional	No	No	PB	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO	CEO
16. Structures accessory to allowed uses.	PB ⁴	PB	CEO	CEO	Yes

Table 1: Land Uses in the Shoreland Zone

Land Uses	Districts				
	SP	RP	LR	LC	GD
17. Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high water line or within a wetland					
A. Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
B. Permanent	PB	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences.	LPI	No	LPI	LPI	LPI
19. Home occupations.	PB	PB	PB	CEO	Yes
20. Private sewage disposal systems for allowed uses.	LPI	LPI	LPI	LPI	LPI
21. Essential services.					
A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	Yes ¹²	Yes ¹²	Yes ¹²
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB	PB	PB
D. Other essential services	PB ⁶	PB ⁶	PB	PB	PB
22. Service drops, as defined, to allowed uses.	Yes	Yes	Yes	Yes	Yes
23. Public and private recreational areas involving minimal structural development.	PB	PB	PB	CEO	CEO
24. Individual private campsites.	CEO	CEO	CEO	CEO	CEO
25. Campgrounds.	No	No ⁷	PB	PB	PB
26. Road construction.	PB	No ⁸	PB	PB	PB
27. Land Management Roads	Yes	PB	Yes	Yes	Yes

Table 1: Land Uses in the Shoreland Zone					
Land Uses	Districts				
	SP	RP	LR	LC	GD
28. Parking facilities.	No	No ⁷	PB	PB	PB
29. Marinas.	PB	No	PB	PB	PB
30. Filling & earth moving of less than 10 cubic yards.	CEO	CEO	Yes	Yes	Yes
31. Filling & earth moving of more than 10 cubic yards.	PB	PB	CEO	CEO	CEO
32. Signs.	Yes	Yes	Yes	Yes	Yes
33. Uses similar to allowed uses.	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit.	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit.	PB	PB	PB	PB	PB

NOTES:

1. In RP not allowed within 75 feet horizontal distance of the normal high water line of great ponds, except to remove safety hazards.
2. Requires permit from CEO if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Not applicable
6. See further restrictions in section XV. L. 2.
7. Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB
8. Except as provided in Section XV. H. 4.
9. Single family residential structures may be allowed by special exception only according to the provisions of Section XVI. E., Special Exceptions. Two family residential structures are prohibited,

10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
11. Excluding bridges and other crossings not involving earthwork, in which case no permit is required
12. Permit not required but must file a written “notice of intent to construct” with CEO.

NOTE:

A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any fresh water or coastal wetland, pond, river, stream or brook and operates in such manner that material or soil may be washed into them:

- a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- b. Draining or otherwise de-watering;
- c. Filling, including adding sand or other material to a sand dune; or
- d. Any construction or alteration of any permanent structure.

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XV. LAND USE STANDARDS.

The Town of Hudson has reviewed the land use standards contained herein to determine whether they will result in a scale of development that is compatible with existing development or with the future desired scale of development.

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards.

1. Minimum Area and Frontage.

Type of Lot	Minimum Lot Area (sq.ft.)	Minimum Shore Frontage (ft.)
Residential per dwelling unit.....	40,000	200
Governmental, Institutional, Commercial, or Industrial per.....	60,000	300
Principal Structure		
Public and Private Recreational Facilities.....	40,000	200

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
5. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures.

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case, the setback requirements specified above shall apply.

In addition:

- a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
 - b. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
 - c. The Planning Board can increase setbacks as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where this may be appropriate include, but are not limited to: areas of steep slope; areas of shallow or erodible soil; areas without an adequate vegetative buffer.
2. Principal or accessory structures and expansions of existing structures, which are permitted in the Resource Protection, Limited Residential/Recreational, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
 3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils.
 4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.
 5. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all the following conditions are met:
 - a. The site has been previously altered and an effective vegetated barrier does not exist;
 - b. The wall(s) is(are) is at least 25 feet, horizontal distance, from the normal high-water line of a water

body, tributary stream, or upland edge of a wetland;

- c. The site where the retaining wall or walls will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - d. The total height of the wall or walls, in the aggregate, are no more than 24 inches;
 - e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils;
 - f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland area of a wetland when a natural buffer area does not exist. This buffer area must meet the following characteristics:
 - (1) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (2) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (3) Only native species may be used to establish the buffer area;
 - (4) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line of upland edge of a wetland;
 - (5) A footpath not to exceed the standards in Section XV. P. 2. a., may traverse the buffer.
6. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, or the Planning Board to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses, of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
6. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
7. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
8. Except in the General Development Districts, structures built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

NOTE:

New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. Section 480-C.

D. Campgrounds:

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses.

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

G. Parking Areas.

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, The setback requirement for parking areas serving public boat launching facilities, in districts other than the General Development I District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space:
Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Internal Travel Aisles:
Approximately twenty (20) feet wide.

H. Roads and Driveways.

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section XV. H. 1. does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section XV. H. 1. except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section XV. Q
5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
6. In order to prevent road surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

<u>Grade (Percent)</u>	<u>Spacing (Feet)</u>
0-2.....	250
3-5.....	200-135
6-10.....	100-80
11-15.....	80-60
16-20.....	60-45
21+.....	40

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs.

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential/Recreational and Limited Commercial Districts:

- 1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- 2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- 3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- 4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- 5. Signs relating to public safety shall be allowed without restriction.
- 6. No sign shall extend higher than twenty (20) feet above the ground.
- 7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff.

- 1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features,

such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE:

The Stormwater Management Law (38 M.R.S.A. Section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project with one acre or more of developed area in a stream or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area, but less than one acre impervious area (20,000 square feet or more for most at-risk lakes) and less than five acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal.

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following;

1. clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and
2. a holding tank is not allowed for a first-time residential use in the shoreland area.

NOTE:

The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback for a new subsurface system may not be reduced by variance.

L. Essential Services.

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services, other than roadside distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to an allowed use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and

resources, including visual impacts.

3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section XV. M. 3. below.
2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE:

The State of Maine Solid Waste Laws, 38, M.R.S.A, section 1301 and the solid waste management rules, Chapter 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- b. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - c. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture.

- 1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. Sections 4201-4209).
- 2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- 3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE:

Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

- 4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- 5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary

streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting.

1. In a resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - a. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
 - b. Beyond the 75-foot strip referred to in Section XV. O. 1. a. above, timber harvesting is permitted in accordance with Section XV. O. 2. below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 ½ feet above ground level be reduced to less than 30 square feet per acre.
2. Except in areas as described in Section XV. O. 1. above, timber harvesting shall conform with the following provisions:
 - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (1) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - (2) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one-hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

- b. Timber harvesting operations exceeding the 40% limitation in Section XV. O. 2. a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purpose of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.
- c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- d. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (1) Surface waters are frozen; and
 - (2) The activity will not result in any ground disturbance.
- e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Section XV. P. 1., above, and except to allow for the development of allowed uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy, or other existing woody vegetation if a forested canopy is not present, as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
 - b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section XV. P. 2. b., a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in any 25-foot by 50-foot rectangular (1,250 square feet) area as determined by the following rating system.

<u>Diameter of Tree at 4-1/2 feet Above Ground Level</u>	<u>Points</u>
2 to less than 4 inches.....	1
4 to less than 8 inches.....	2
8 to less than 12 inches.....	4
12 inches or greater.....	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

Note:

As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two (2) trees between 4 and 8 inches in diameter, three (3) trees between 8 and 12 inches in diameter, and two (2) trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points ($36 - 24 = 12$) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- (1) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot must be adjacent to, but not overlap a previous plot
- (3) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section XV. P. 2. b., "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one-half ($4 \frac{1}{2}$) feet above ground level for each 25-foot by 25-foot rectangular area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at $4 \frac{1}{2}$ feet above ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall be not cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section XV. P. 2. and 2. a. above.

- d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section XV. P. 2. does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- 3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development Districts.

- 4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- 5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section XV. P.

Q. Erosion and Sedimentation Control.

- 1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
 - d. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

R. Soils.

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality.

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.

T. Archaeological Sites.

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

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XVI. ADMINISTRATION.

A. Administering Bodies and Agents.

1. Code Enforcement Officer.

A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

2. Board of Appeals.

A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. Section 2691.

3. Planning Board

A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required.

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:
 - a. The replacement culvert is not more than 25% longer than the culvert being replaced:
 - b. The replacement culvert is not longer than 75 feet; and
 - c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application.

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section XIV.
2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits.

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section XIV, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or

deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood-plain development and use; and
8. Is in conformance with the provisions of Section XV, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, regulation or statute administered by the municipality.

E. Special Exceptions.

In addition to the criteria specified in Section XVI. D. above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residence in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met.

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
3. All proposed buildings, sewage disposal systems, and other improvements are:
 - a. Located on natural ground slopes of less than 20%; and,
 - b. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers, and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency maps, it is deemed to be 1/2 the width of the 100-year floodplain.

4. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
 5. All structures, except functionally water-dependent structures, are setback from the normal-high water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate and high-value wetlands.
- F. Expiration of Permit.

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service.

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

H. Appeals.

1. Powers and Duties of the Board of Appeals.

The Board of Appeals shall have the following powers:

a. Administrative Appeals:

To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

b. Variance Appeals:

To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals. Variances may be granted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - (1) The proposed structure or use would meet the provisions of Section XV. except for the specific provision which has created the non-conformity and from which relief is sought; and

- (2) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - (a) That the land in question cannot yield a reasonable return unless a variance is granted;
 - (b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (c) That the granting of a variance will not alter the essential character of the locality; and
 - (d) That the hardship is not the result of action taken by the applicant or a prior owner.
 - d. Notwithstanding Section XIV. H. 2. c. (2) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
 - e. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
 - f. A copy of each variances request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
3. Administrative Appeals.
- When the Board of Appeals reviews a decision of the Code Enforcement Officer, the Board or Appeals shall hold a "de novo" hearing. At this time, the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity, the Board of Appeals shall hear and decide the

matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure

a. Making an Appeal

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section XIV. H. 1. a. above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (2) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - (a) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - (b) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (3) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (4) The Board of Appeals shall hold a public hearing on an administrative appeal or a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

- (1) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
- (2) The person filing the appeal shall have the burden of proof.
- (3) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (4) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court.

Except as provided by 30-A M.R.S.A. Section 2691 (3) (F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five(45) days from the date of any decision of the Board of Appeals.

6. Reconsideration.

In accordance with 30-A M.R.S.A. Section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made with fifteen (15) days after the decision on reconsideration.

I. Enforcement.

1. Nuisances.

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- b. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

3. Legal Actions.

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no

evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines.

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. Section 4452.

NOTE:

Current penalties include fines of not less than \$100 nor more than \$2,500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5,000 (38 M.R.S.A. Section 4452).

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XVII. DEFINITIONS.

ACCESSORY STRUCTURE OR USE

A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

AGGRIEVED PARTY

An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

AGRICULTURE

The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products;

livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

AQUACULTURE

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

BOAT LAUNCHING FACILITY

A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

CAMPGROUND

Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

CANOPY

The more or less continuous cover formed by tree crowns in a wooded area.

COMMERCIAL USE

The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

DEVELOPMENT

A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other constructions not naturally occurring.

DIMENSIONAL REQUIREMENTS

Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

DISABILITY

Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by a bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special educational, vocational rehabilitation, or related services.

DRIVEWAY

A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

EMERGENCY OPERATIONS

Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

ESSENTIAL SERVICES

Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

EXPANSION OF A STRUCTURE

An increase in the floor area of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

EXPANSION OF USE

The addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

FAMILY

One or more persons occupying a premises and living as a single housekeeping unit.

FLOOR AREA

The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

FOREST MANAGEMENT ACTIVITIES

Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

FORESTED WETLANDS

A freshwater wetland dominated by woody vegetation that is (6) meters tall or taller.

FOUNDATION

The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, sills, frostwalls, or other base consisting of concrete, block, brick or similar material.

FRESHWATER WETLAND

Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FUNCTIONALLY WATER-DEPENDENT USES

Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities (excluding recreational boat storage buildings), marinas, and uses which primarily provide general public access to inland waters.

GREAT POND

Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GREAT POND CLASSIFIED GPA

Any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

GROUND COVER

Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

HEIGHT OF A STRUCTURE

The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

HOME OCCUPATION

An occupation or profession which is customarily conducted on or in a residential structure or property and which is

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. which employs no more than two (2) persons other than family members residing in the home.

INCREASE IN NONCONFORMITY OF A STRUCTURE

Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirements for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no

closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions that in-fill irregularly shaped structures.

INDIVIDUAL PRIVATE CAMPSITE

An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

INDUSTRIAL

The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

INSTITUTIONAL

A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land use for public purposes.

LAND MANAGEMENT ROAD

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for , or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including log yards, but not including skid trails or skid roads.

LOT AREA

The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

MARINA

A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

MARKET VALUE

The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

MINERAL EXPLORATION

Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

MINIMUM LOT WIDTH

The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland area, both lot lines shall be considered to be side lot lines.

MINERAL EXTRACTION

Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

MULTI-UNIT RESIDENTIAL

A residential structure containing three (3) or more residential dwelling units.

NATIVE

Indigenous to the local forests.

NON-CONFORMING LOT

A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

NON-CONFORMING STRUCTURE

A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NON-CONFORMING USE

Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NORMAL HIGH-WATER LINE

That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

PERSON

An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BELOW THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND

1. Temporary:

Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

2. Permanent:

Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

PRINCIPAL STRUCTURE

A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

PRINCIPAL USE

A use other than one which is wholly incidental or accessory to another use on the same premises.

PUBLIC FACILITY

Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

RECENT FLOODPLAIN SOILS

The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

RECREATIONAL FACILITY

A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

RECREATIONAL VEHICLE

A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

REPLACEMENT SYSTEM

A system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

RESIDENTIAL DWELLING UNIT

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.

RESIDUAL BASAL AREA

A. The average of the basal area of trees remaining on a harvested site.

RIPRAP

Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

RIVER

A free-flowing body of water including its associated flood-plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

ROAD

A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

SERVICE DROP

Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service

The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

The total length of the extension is less than one thousand (1,000) feet.

2. In the case of telephone service

The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

The extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

SETBACK

The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

SHORE FRONTAGE

The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND ZONE

The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

SHORELINE

The normal high-water line, or upland edge of a freshwater wetland.

STREAM

A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another waterbody or wetland within the shoreland area.

STRUCTURE

Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes.

SUBSTANTIAL START

Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

SUBSURFACE SEWAGE DISPOSAL SYSTEM

Any system designed to dispose of waste or wastewater on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any fixture, mechanism, or apparatus used for these purposes; does not include any discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or waste treatment system.

SUSTAINED SLOPE

A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TIMBER HARVESTING

The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting and removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting and removal of trees shall be regulated pursuant to Section XV. P., Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

TRIBUTARY STREAM

A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

UPLAND EDGE OF A WETLAND

The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

VEGETATION

All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

WATER BODY

Any great pond, river, or stream.

WATER CROSSING

Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossing for timber harvesting equipment and related activities.

WETLAND

A freshwater or coastal wetland.

WOODY VEGETATION

Live trees or woody, non-herbaceous shrubs.

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SOLID WASTE MANAGEMENT ORDINANCE FOR THE TOWN OF HUDSON, MAINE

Adopted: December 12, 1989

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I. TITLE:

This ordinance shall be known as, "The Solid Waste Disposal Ordinance of Hudson, Maine."

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II. PURPOSE:

The purpose of this ordinance is to provide a disposal area for solid wastes generated within the municipal boundaries of the Town of Hudson and to promote the health, safety, general welfare, and property values of the Town by controlling the disposal of all discarded materials in such a manner as to prevent:

- A. Pollution of air, land, or water resources.
- B. Littering or unsightliness around the disposal area.
- C. Pollution of private wells.
- D. Erosion.

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III. DEFINITIONS:

All terms, used in this Solid Waste Disposal Ordinance of Hudson, Maine presented herein, shall be defined by the Maine Department of Environmental Protection (DEP), "Solid Waste Management Rules", Chapter 400-405 unless the context indicates otherwise.

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IV. PROHIBITIONS:

No person shall throw or place, or cause to be thrown or placed upon the premises of himself/herself or another located within the limits of the Town of Hudson, any rubbish, garbage, or debris of any kind, nor shall any owner or occupant of any such premises suffer any such rubbish, garbage, or debris to remain on said premises after receiving notice from the town officials authorized by the Board of Selectmen to give such notice. Any person or persons failing to remove any such rubbish, garbage, or debris within a period of ten (10) days after the receipt of said notice shall be subject to a fine not to exceed fifty dollars (\$50.00) for each violation. Each day that a violation occurs will constitute a separate offense.

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V. TRANSPORTATION OF REFUSE, GARBAGE ON PUBLIC ROADWAYS:

No person shall transport refuse, garbage or other materials in vehicles through any of the public highways of the Town of Hudson unless such loads are secured to prevent the falling or deposit of such refuse, garbage, or other material on said highways. Any person offending against this section shall be subject to a fine not to exceed twenty five dollars (\$25.00) for each violation.

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VI. MUNICIPAL WASTE MANAGEMENT DISPOSAL AREA:

The Town of Hudson waste management disposal area is located on the Hudson Hill Road and is the first right hand road after leaving Route 221 (4/10th mile).

A. Use:

Any person whose residence or place of doing business or seasonal residence is within the corporate town limits of the Town of Hudson and whose vehicle(s) display a valid Town of Hudson issued waste management sticker shall be privileged to use the facilities as provided in this section. Any person having the right to use the facilities of the waste management area as provided in this section shall abide by and conform with all the regulations

herein provided and/or with all instructions or orders of the person authorized by the Town of Hudson to supervise the operations within the waste management area. The operator is hereby empowered to refuse to accept any materials deemed to be unsuitable for disposal in the area, and is also empowered to refuse admittance to any vehicle not bearing a valid Town of Hudson disposal permit or otherwise not in conformance with the requirements of any section, subsection or portion of this ordinance.

B. Waste Segregation:

Areas within the waste management disposal facility have been designated for specific types of solid waste as follows: tires, white goods, metals, automotive, stump dump, recycling, and general refuse. Any person having the right to use the facilities as provided in this section shall be responsible for sorting and disposing of the materials in the proper areas.

Area	Acceptable	Non-acceptable
TIRES	All types of rubber tires	Tire rims and wheels
WHITE GOODS	Stove, refrigerator, freezer, washer, dryer, compactor, air conditioner, sink, bath tub, dish washer, wash basin Car parts, television sets, wire, other metal products	
METALS	Metal products, television sets, wire, small automobile parts	White goods, vehicles
VEHICLE DUMP	Automobiles, tractors, trucks, gasoline engines, frames, farm machinery (all liquids must be drained from vehicles before entry to the waste management area)	Small vehicle parts, tires
STUMP DUMP	Leaves, brush, trees, gravel, sand, ashes, stumps, bricks, hot loads, wooden furniture, demolition debris	Tires, cardboard, newspaper, bottles, metals, household trash, batteries
RECYCLING AREA	Bound newspapers, bound cardboard, clean bottles, batteries	Wet newspapers, waxed or wet cardboard, bottle caps or lids, magazines
GENERAL REFUSE	Household waste, magazines, asphalt shingles, mattresses	Any item or material designated for other areas

C. Restricted materials:

The following materials or items are prohibited from being deposited in any area of the waste management facility:

1. Liquid waste or sludge
2. Hazardous or toxic waste
3. Explosives
4. Dead animals or hides

D. Hours of Operation:

No person shall be permitted to use the waste management facility except during the hours specified by the notice posted at the entrance of the facility.

E. Removal of Objects:

No person shall, except by permission of the Board of Selectmen or their designee, remove any article or object which has been deposited, dumped, or otherwise left at the waste management facility.

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VII. ENFORCEMENT AND VIOLATIONS:

The enforcement of this Ordinance shall be the responsibility of the Selectmen of the Town of Hudson or their designee. Any person who violates any section of this ordinance commits a civil violation and shall be punished by a fine and in accordance with special rule 80K of the Maine Rules of Civil Procedure.

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VIII. SEPARABILITY:

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or any other portion of this Ordinance.

Ordinance passed December 12, 1989

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SUBDIVISION ORDINANCE FOR THE TOWN OF HUDSON, MAINE

Adopted: March 23, 1991

Amended: March 22, 1997, March 21 1998 and March 22, 2003

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I. PURPOSE:

The purpose of this ordinance are to ensure the comfort, convenience, safety, health and welfare of the people of the Town of Hudson, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Hudson, Maine, the planning board shall consider the following criteria and shall make findings of fact that the provisions of this ordinance have been met and that the proposed subdivisions will meet the following guidelines of Title 30 30A, M.R.S.A. 4956 4401 et seq., subsection 3:

- A. Will not result in undue air or water pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains, the nature of the subsoils and their ability to adequately support waste disposal, and the slope of the land and its effect on effluents; the availability of streams for the disposal of effluents; and the applicable State and local health and water resources regulations.
- B. Has sufficient water available for the foreseeable needs of the subdivision.
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be used.
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
- F. Will provide for adequate solid and sewage waste disposal.
- G. Will not cause an unreasonable burden on the ability of the town to dispose of solid waste and sewage if town services are to be utilized.
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- I. Is in conformance with this ordinance and any comprehensive plan that may be adopted by the Town.
- J. The subdivider has adequate financial and technical capacity to meet the above stated standards.
- K. Whenever situated in whole or in part within 250 feet of any pond or stream will not adversely affect the quality of the body of water or reasonably affect the shoreline of that body of water.
- L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

- M. If in the flood plain, all principal structures within the subdivision shall be constructed with the lowest floor, including basement, at least one foot above the 100-year flood elevation.
- N. Freshwater wetlands-- All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district. [see Chap. 310 Nat Res Protection Act effective 30 June 1990]
- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.
- P. The proposed subdivision will provide for adequate storm water management.
- Q. No person may perform, or cause to be performed, an activity without a permit if: (a) the activity is in, on, or over any protected natural resource; or (b) the activity is on land adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them. (See chapter 305 Nat. Resource Protection Act, permit to rule dated March 23, 1991.)
- R. Activities requiring a permit:
 - 1. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
 - 2. Draining or otherwise dewatering;
 - 3. Filling, including adding sand or other material in a shoreland area; or
 - 4. Any construction, repair or alteration of any permanent structure.
- S. The Town's goal is to protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers and wetlands, and other natural resources.
- T. The reasons for subdivision review serves two general purposes. The first is the immediate protection of the homeowner and of the municipality. When subdivisions are reviewed, the municipality is assured that the proposed development will be built according to accepted standards and that the public health and safety will be protected. The homeowner is assured that the home he or she buys in a development will be properly provided with municipal services; that he or she will not be confronted with additional assessments or unexpected costs; and that his or her individual sewage disposal facilities, which may be underground by the time he/she sees the house, are adequate and meets the requirements of all existing codes and requirements. The second purpose of

subdivision review is to guide a municipality's development; to further the efficient and economical operation of important public services and to provide for controlled and orderly growth of the community.

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II. AUTHORITY AND ADMINISTRATION:

A. Authority.

These standards have been prepared in accordance with the provisions of Title 30 30A M.R.S.A., 4956, Subsection 2 4401 et seq. and shall be known and may be cited as "Subdivision Ordinance of the Town of Hudson, Maine".

B. Administration.

The Planning Board of the Town of Hudson, Maine, hereinafter called the Board, shall administer these standards, which shall pertain to all land proposed for subdivision, as defined in Title 30 30A M.R.S.A., 4956, Subsection 1 4401 et seq., within the boundaries of the Town of Hudson.

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III. DEFINITIONS:

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

100-YEAR FLOOD.

The highest level of flood that, on average, is likely to occur once every 100 years. (that has a one percent chance of occurring in any year.)

COMPLETE APPLICATION.

An application for approval of a subdivision plan shall be considered complete upon submission of the required fee and all the information required by this ordinance in Section VI. A. 1 and Section VII. B. as appropriate or by a vote of the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete

COMPREHENSIVE PLAN.

Any part or element of the overall plan for development of the municipality as defined in Title 30 M.R.S.A., Section 4960-C.

CONTIGUOUS LOTS.

Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

DEVELOPED AREA.

Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

DRIVEWAY.

A vehicular accessway serving two dwelling units or less.

DWELLING UNIT.

A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities, including single family houses and units in a duplex, apartment house, multifamily dwellings and condominiums.

EFFLUENTS.

Outflow of undesirable waste (human, animal, chemical, etc.).

FINAL PLAN.

The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

NORMAL HIGH WATER MARK.

That line on the shore or banks of waters which is apparent because of the different character of the contiguous soil or vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the

vegetation changes from predominately aquatic to predominately terrestrial. (By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes, and marsh grasses. Terrestrial vegetation includes but is not limited to the following plants or plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, alders, ashes, elms and maples.) In places where the shore or bank is such that the high water mark cannot be easily determined, such as rock slides, ledges, eroding or sloping banks, the normal high water mark shall be estimated from places where it can be determined by the above method.

OFFICIAL SUBMITTAL DATE.

The date upon which the Board issues a receipt indicating that a complete application has been submitted.

PERSON.

An individual, firm, association, organization, partnership, trust, company, or corporation.

PRELIMINARY SUBDIVISION PLAN.

Preliminary drawings indicating the proposed layout of the subdivision to be submitted to the board.

PRIVATE WAY.

Any street or road that is not a public way.

PUBLIC WAY.

Any street or road that has been, or is proposed to be accepted by the town or other governmental unit.

RESUBDIVISION.

The division of an existing subdivision or any change in the plan for an approved subdivision that affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

STREET.

Public and private ways such as alleys, avenues, boulevards, highways, roads, and other right-of-ways, as well as areas on subdivision plans designated as right-of-ways.

SUBDIVISION.

The division of a tract or parcel of land into three or more lots within any five year period whether accomplished by sale, lease, development, building, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to a municipality, unless the intent of such gift is to avoid the objectives of this ordinance, or by transfer of any

interest in land to the owner of the land abutting thereon, shall not be considered to create a lot or lots for the purposes of this ordinance.

The term "subdivision" shall also include the division of a new structure or structures on a tract or parcel of land into three or more dwelling units within a five year period and the division of an existing structure or structures previously used for commercial or industrial use into three or more dwelling units within a five year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purpose of this paragraph.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a third lot, unless both such dividings are accomplished by a subdivider, who shall have retained one of such lots for his own use as a single family residence for a period of at least five years prior to such second dividing. Tracts of forty or more acres shall not be counted as lots. (Amend. 1, 3-22-97)(Amend. 1, 3-22-03)

TRACT OR PARCEL OF LAND.

A tract or parcel of land is all contiguous land in the same ownership, provided that the lands located on opposite sides of a public or private way shall be considered each a separate tract or parcel of land unless the public or private way was established by the owner of the land on both sides thereof.

TRAVELED SURFACE.

That portion of the road which bears vehicular traffic, but not including the shoulders. (Amend 3, 3-22-97)

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IV. ADMINISTRATIVE PURPOSE:

A. Purpose.

The purpose of this Section is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

B. Meetings.

The Board shall meet on the second Tuesday of each month and at such times as the Board may determine. A quorum shall be four regular or alternate members of the Board.

C. Notice of application.

Applicants shall notify the Board through the Town Office prior to a meeting of their intent to submit an application. Applicants who attend a meeting without having given such prior notice will be heard only if a majority of the Board so votes.

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V. PRE-APPLICATION:

A. Procedure.

1. The applicant will submit sketch plans and a preliminary draft of the information required on an application form.
2. The proposed subdivision will be described by the subdivider and discussed during a question and answer period with the Board.
3. An on site inspection will be scheduled unless the Board votes that such an inspection is not necessary.
4. Upon receipt of sketch plans and preliminary application information, the Board shall cause all owners of abutting property to be notified in writing that an application for subdivision has been received.

B. Simple Sketch Plan.

The preapplication shall show, in simple plan form, the proposed layout of the streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which may be a free-hand pencil sketch, should be supplemented by general information to describe the existing conditions of the site and the proposed development.

C. On site Inspection & Contour Intervals.

On site inspections shall be held within thirty days from the receipt of the preapplication. The applicant shall place "flagging" at the lot corners and the center lines of the proposed streets prior to the on-site inspection. If

the Board desires contour intervals different from those on published U.S.G.S. maps to be included on subsequent plans, the applicant shall be so advised at the time of the on-site inspection.

D. Rights Not Vested.

The submittal or review of the preapplication sketch plan shall not be considered the initiation of the review process for the purpose of bringing the plan under the protection of Title 1 M.R.S.A. 302.

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VI. PRELIMINARY PLAN:

A. Procedure.

1. Within six months after the on-site inspection, the subdivider shall submit a Preliminary Plan of the subdivision. The preliminary plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board.
2. All applications for Preliminary Plan approval shall be accompanied by a non refundable application fee of \$100.00 for the first three proposed lots plus \$20.00 for each additional lot.
3. The subdivider or his authorized representative shall attend the meeting of the Board to discuss the Preliminary Plan.
4. Within thirty days of the receipt of a Preliminary Plan application and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
5. Upon determination that a complete application has been submitted, the Board shall issue a dated receipt to the subdivider. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the town at least two times. The date of the first publication shall be at least seven days prior to the hearing.
6. If the subdivision is located in more than one municipality, the Board shall invite the Planning Board of the other municipality to join meeting to discuss the proposed subdivision.

7. The Board shall, within thirty days of a public hearing, or within sixty days of the receipt of a complete application if no hearing is held, or within such other time limit as may be otherwise mutually agreed to by the Board and the subdivider, make the findings of fact on the application and approve, with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of fact and the reasons for any conditions or denial.
8. When granting approval to the Preliminary Plan, the Board shall state the specific changes it will require in the Final Plan.
9. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings. The plan or the accompanying material shall contain the following information:
 - a. Proposed name of the subdivision.
 - b. The date the plan was prepared, names and addresses of the owner of record, the subdivider and the prepared of the plan. If the subdivider is not the owner of the property, evidence of the subdivider's right to or interest in the property.
 - c. Number of acres in the proposed subdivision, location of property lines. existing buildings and water courses, magnetic north point and graphic map scale.
 - d. Indication of the water supply and sewerage to be used. When subsurface sewage disposal is to be used, test pit analyses prepared by a licensed site evaluator shall be provided and a map showing the location of all test pits dug on the site shall be submitted.
 - e. The names and addresses of owners of record of all adjacent property, including any property directly across a street or road from the subdivision.
 - f. The location of any zoning boundaries that effect the subdivision.
 - g. The location and size of any existing or proposed sewers, water mains, culverts and drainage ways on or adjacent to the property to be subdivided.
 - h. The location, names, and present widths of existing and proposed streets, easements, building lines, and open spaces on or adjacent to the subdivision.
 - i. The proposed lot lines with approximate dimensions and areas.
 - j. Any parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 - k. The location of any open space that is to be preserved and a description of any improvements and its management.

- l. If any portion of the subdivision is in the flood plain, the boundaries of the 100 year flood elevation should be shown.
- m. If the proposed density of use or the geology of the area poses a threat of contamination of ground water, a hydrogeologic assessment by a certified geologist or registered professional engineer, experienced in hydrogeology, shall be provided.
- n. If the proposed subdivision is a multi unit structure, floor plans.

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VII. FINAL PLAN:

A. Procedure.

1. The subdivider shall, within six months after the approval of the Preliminary Plan, submit to the Board an application for approval of the Final Plan. If the application for approval of the final plan is not submitted within six months, the Board may refuse, without prejudice, to act on the final plan and require resubmission of a final Preliminary Plan. The Final Plan shall approximate the Preliminary Plan plus any recommendations made by the Board.
2. Prior to submittal of the Final Plan, the following approvals shall be obtained in writing by the subdivider, when appropriate:
 - a. Maine Department of Environmental Protection under the Site Location of Development Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a waste water discharge license is needed.
 - b. Maine Department of Human Services if a central water supply is proposed or if a centralized or shared subsurface sewage system is used.

Provided, however, that the subdivider has the option of notifying the Board, in writing, of his intent to seek approval of the proposed subdivision by the Board before submitting it to the appropriate State Agencies
3. The subdivider or his duly authorized representative shall attend the meeting of the Board to discuss the Final Plan.

4. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the subdivider.
5. Before the Board grants approval of the Final Plan the subdivider shall meet the performance guarantee requirements of this ordinance.
6. Within sixty days of receiving a completed application the Board shall make written findings of fact and conclusions relative to the standards contained in Title 30 30A, M.R.S.A. 4956, subsection 3 4401 et seq., and this ordinance. If the Board finds that all standards of the Statute and this ordinance have been met, the Board shall either deny the application or approve the application with conditions to ensure that all of the standards will be met by the subdivision. The reason for any conditions shall be stated in the records of the Board.(Amend 1, 3-22-03)

B. Submissions.

The Final Plan shall consist of one or more maps or drawings drawn to scale. Space shall be reserved on the plan for endorsement by the Board. One reproducible, stable based, transparent original to be recorded at the Registry of Deeds and three copies of the plan shall be submitted.

C. The application for the approval of the Final Plan shall include the following information:

1. The proposed name of the subdivision and the name of the Town and the Assessors' map and lot numbers.
2. An actual field survey of the boundary lines of the tract, with complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
3. The number of acres within the proposed subdivision, location of property lines, existing buildings and watercourses.
4. The date the plan was prepared, magnetic and true north points, graphic map scale, names and addresses of the owner of record, subdivider, and the preparer of the plan.
5. The location of any zoning boundaries that effect the plan.
6. The location and size of existing or proposed sewers, water mains, culverts and drainage ways on or adjacent to the property to be subdivided.
7. The location, names, and present widths of existing and proposed streets, easements, building lines, and open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location,

bearing and length of every street line, lot line and boundary line to be readily determined and located upon the ground. These lines shall be tied to reference points previously established.

8. Any parcels of land proposed to be dedicated to public use and the conditions of such dedication.
9. A list of construction items that will be completed by the developer prior to the sale of lots, with cost estimates.
10. If any portion of the subdivision is in the flood plain, the boundaries of the 100 year flood elevation shall be delineated on the plan. If this plan shows the subdivision or any portion of it to be within a flood hazard area, all principal structures hereafter constructed or placed therein shall be located that their lowest floor, including basement, is at least one foot above the 100-year flood elevation. This language should appear on the face of the plan to be recorded, preferably near the signature blank. (Amend. 1, 3-21-98)
11. If the subdivision is a multi-unit structure, floor plans.
12. G.P.S. annotations must be indicated on the subdivision plans. (Amend. 2, 3-21-98)
13. Section 4406(1)(B-1) M.R.S.A. provides that if a subdivision is exempt from Site Location Review by the D.E.P. because it qualifies for one of the exemptions in 38 M.R.S.A. 488(5), the fact that it is exempt must be noted on the plan approved by the planning board under the Municipal Subdivision Law before it is recorded. "Developable land" as defined in 38 M.R.S.A. 488(5) must be indicated on the plan also. (The person recording the plan must prepare a sworn certificate in recordable form and record it with the plan in the Registry.) (Amend. 3, 3-21-98)

D. Final Approval and Filing

1. No plan shall be approved by the Board for as long as the subdivider is in violation of the provisions of any previously approved subdivision plan.
2. Upon findings of fact and determination that all standards in Title 30, M.R.S.A. 4956, subsection 3 and this ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. Any subdivision not recorded in the registry of deeds within 90 days of the date on which the plan is approved and signed by the board shall be null and void.
3. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the Board approves such modifications in accordance with the provisions of this ordinance. In the event that

a plan is recorded without complying with this requirement, it shall be considered null and void and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

4. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or open space shown on such plan.

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VIII. REVISIONS TO APPROVED PLANS:

A. Procedure

If the revision involves the creation of additional lots or dwelling units, the procedures for Preliminary Plan approval shall be followed. If the revision involves only other modifications of the approved plan, the procedures for Final Plan approval shall be followed.

B. Submissions

The applicant shall submit a copy of the approved plan and three copies of the proposed revisions. The applicant shall include enough information to allow the Board to determine that the proposed revisions meet the standards of this ordinance. The revised plan shall show the name of the original plan, the date of its approval, and the book and page where it is recorded in the Registry of Deeds.

C. Scope of Review

The scope of the review by the Board shall be limited to those portions of the plan that are proposed to be changed.

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IX. ENFORCEMENT:

Violations and Enforcement

- A. No plan of a subdivision of land within the Town shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with this ordinance.
- B. No person, firm, corporation or other legal entity may convey, offer, or agree to convey any land or dwelling unit in a subdivision that has not been approved by the Board and recorded in the Registry of Deeds.
- C. No person, firm, corporation or other legal entity may convey, offer, or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. Any person, firm, corporation or other legal entity who conveys, offers, or agrees to convey any land or dwelling unit in a subdivision that has not been approved as required by this ordinance shall be punished by a fine of not less than \$100.00, and not more than \$2500.00 for each such conveyance, offering or agreement. The Town may initiate proceedings to enjoin the violation of this section, and may collect attorneys fees and court costs if it is the prevailing party.
- E. No public utility or utility company of any kind shall serve any lot in a subdivision that has not been approved as required by this ordinance.
- F. No lot on a proposed street in a subdivision may be sold, leased, or otherwise conveyed before the proposed street upon which the lot fronts is completed in accordance with this ordinance up to and including the entire frontage of the lot.
- G. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and instructing the violator to come before the Planning Board for corrective action. (Amend. 4, 3-21-98)

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X. GENERAL STANDARDS:

A. Conformance

All proposed subdivisions shall be in conformance with the Comprehensive Plan when adopted, the Minimum Lot Size Ordinance of the Town of Hudson, and with the pertinent provisions of State laws and other codes and ordinances of the Town.

B. Lots

1. Lots shall meet the minimum requirements of the lot size ordinance of the Town.
2. Lot configuration and area shall be designed to provide for adequate off street parking and service facilities based upon the type of development contemplated.
3. If a lot on one side of a stream, road or similar barrier fails to meet the minimum lot size requirements, it may not be combined with a lot on the other side of the barrier in order to meet the minimum lot size.

C. Water, Sewerage, Drainage

1. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan. Dug wells shall be permitted only if it is demonstrated to be not feasible to develop other ground water sources and such wells must be constructed so as to prevent infiltration of surface water.
2. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in compliance with the requirements of Maine laws and regulations.
3. If the subdivision includes any new streets, or if the subdivision will alter the existing drainage, a storm water drainage plan shall be submitted.

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XI. STREET STANDARDS:

A. Street Construction

1. No subdivision plan will be approved by the Board unless all lots on the proposed subdivision
 - a. have frontage on a maintained Town Way or
 - b. have frontage on a public or private way that has been constructed, or is to be improved or constructed in accordance with the standards described in this ordinance and is continuously accessible from a maintained Town Way by public or private ways constructed, or to be improved or constructed in accordance with the standards described in this ordinance.

Construction or improvement of any streets to meet these standards within the subdivision or to provide access to the subdivision shall be the responsibility of the subdivider.

2. The street design and construction standards shall be as follows:
 - a. Minimum Right of Way Width.....66'
 - b. Minimum Traveled Surface Width.....20' (Amend 3, 3-22-97)
 - c. Minimum Grade.....1%
 - d. Maximum Grade.....8%
 - e. Maximum Grade Within 50' of Intersections.....3%
 - f. Minimum Centerline Radii on Curves.....100'
 - g. Depth of Subgrade grading.....22"
 - h. Sub-base Gravel Depth.....18"
 - i. Upper Base Gravel.....4"
 - j. Pavement (see note below).....2"
 - k. Minimum Road Crown.....3"
 - l. Minimum Shoulder Width.....3'

Note:

Pavement is not required if the connecting Town Way is not paved or if the way is to remain a Private Way. (Amend 3, 3-22-97)

3. Grades of streets shall conform as closely as possible to the original relief of the land. Changes of grades shall provide clear visibility of 200'.
4. Side slopes shall not be steeper than 33%, and shall be graded, loamed and seeded.

5. All streets shall be provided with adequate drainage facilities to provide for the removal of stormwater. Driveway culverts shall be adequate to pass the design flow of the contiguous ditches.
6. In construction of streets, the traveled way and shoulder shall be cleared of all stumps, roots, brush and perishable material. All loam, loamy material, clay and other yielding material shall be removed from the roadway to at least subgrade depth.
7. All subdivision roads which dead end shall be provided with a turn-around area at the end of the road. If said road is over 4,000 feet long, turn-arounds will be constructed at intervals of about 2,600 feet, depending on the terrain. Loops, T's or squares are all acceptable. If the loop form is used, the turn-around shall have a minimum right of way boundary radius of 90 feet, a minimum inside traveled surface radius of 61 feet, and a minimum traveled surface width of 15 feet. Other turn-around forms must be coordinated with the Chief of the Hudson Volunteer Fire Department to insure that they will meet the needs of the Fire Department. Turn-arounds will conform to all street design and construction standards as listed in Subparagraph B above.
(Amend 2, 3-22-97)

B. Approval of Streets

1. Upon receipt of the plans for a proposed street, the Board shall forward one copy to the Municipal Officers and one to the Road Commissioner for review and comment.
2. When the subdivision plan includes a street which is to remain a private way, or the subdivision is accessible to vehicles only by means of travel over a private way, the following words shall appear in the Final Plan:
"All streets proposed for the construction or improvement in this plan are intended to remain private ways to be maintained by the developer or the lot owners. Unless and until the said streets are accepted by the Town, the Town shall have no responsibility or obligation to provide or maintain access to the subdivision or lots within it. In the event that the developer or the lot owners do not maintain such private ways to Town standards, the Town shall have no responsibility to provide fire protection, school bus transportation, trash disposal, or any other municipal services that require access to the subdivision or the lots therein."
3. When a proposed street is intended for acceptance by the Town, upon completion of street construction and prior to a vote by the Town, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers, at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of this ordinance.

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XII. GUARANTEES:

When a Final Plan includes one or more proposed new streets, a central water supply system, a central sub-surface sewage disposal system, or any other construction or facilities by the developer, the subdivider, with the submittal of application for approval of the Final Plan, shall provide a performance guarantee adequate to cover the total construction costs of such improvements. The performance guarantee may be a certified check payable to the Town, an irrevocable letter of credit, or such other guarantee as may be approved by the Board and by the Municipal Officers. The amount of the guarantee shall be subject to the approval of the Municipal Officers.

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XIII. WAIVERS:

- A. If the Board finds that extraordinary and unnecessary hardship may result from strict compliance with this ordinance, or that there are special circumstances in a particular subdivision plan, it may waive portions of the submission requirements of the standards, provided the public health safety and welfare are protected and provided the waiver does not have the effect of nullifying the intent and purpose of this ordinance, the Comprehensive Plan, when adopted, any other ordinance or code of the Town, or any applicable State Law or regulation.
- B. In granting the waiver, the Board shall impose such conditions as will assure that the objectives of this ordinance are met.
- C. When the Board grants a waiver, the date and nature of the waiver shall be recorded on the Final Plan.

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XIV. EFFECTIVE DATE AND VALIDITY:

- A. This ordinance became effective on March 23, 1991 when adopted by a vote of the Town of Hudson.
- B. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the protection and promotion of public health, safety and welfare, the provisions of this ordinance shall prevail.
- C. Should any section or provision of this ordinance be declared by the courts to be invalid, such action shall not invalidate any other section or provision of this ordinance and to this end the provisions of this ordinance are declared to be severable.

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XV. APPEALS:

An aggrieved party may appeal any decision of the Board under the provisions of this ordinance to the Penobscot County Superior Court within thirty days of the rendering of the decision, provided however that if the Town of Hudson adopts an ordinance providing for appeal to the Board of Appeals, then the aggrieved party must appeal to the Board of Appeals within thirty days of the rendering of the decision.

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